

# THE COURT OF STAR CHAMBER, 1629-1641

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A Thesis Submitted for the Degree of MPhil  
at the  
University of St Andrews



1988

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The Court of Star Chamber, 1629 - 1641

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Spring 1987

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Dedicated to all my friends in St. Andrews,  
in particular Andrew and Karen.

The research in this thesis has been assisted by many people whom I would be remiss in not mentioning. My initial endeavours were eased because of the staffs of the University of St. Andrews Library, the Public Record Office, the British Library and the House of Lords Record Office. I wish to acknowledge the help and friendly criticism of Karen Hammond who proofread the early draft on my thesis. It is a real pleasure to have been associated with Professor J.P. Kenyon, whose gentle prodding and guidance coupled with enthusiasm and knowledge provided continual encouragement. Finally, I wish to thank two individuals without whose support this research would not have been possible. I would like to express my appreciation to my mother and father.

I Steven C. Dalla Lana hereby certify that this thesis which is approximately 39,000 words in length has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

Date. Dec. 29/87.

Signature of Candidate

I was admitted as a research student under Ordinance No. 12 in October 1985 and as a candidate for the degree of M. Phil. on April 21, 1986; the higher study which this is a record was carried out in the University of St. Andrews between October 1985 and January 1987.

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## Abstract

The Court of Star Chamber was abolished by the Long Parliament for reasons, as yet, not clearly established. Most recent research has shown that the court retained its popularity with litigants until the 1640's. Three reasons for the court's downfall have also been suggested; namely, that the Star Chamber meted out severe corporal punishments, that Charles I's government made use of the court to support controversial religious and economic policies. However, this research has not clearly established a link between these three factors and the dissolution of the court of Star Chamber. It also failed to show how the court could nonetheless remain popular until the late 1630's and only then be hastily abolished in 1641.

Historians, with hind-sight, have sought to blame the actions of the court during the 1630's for its abrogation. They have presented only a limited cause and effect relationship. How did the actions of the court from 1629 - 1640 result in a call for its dissolution? The research to be presented herein begins with a review of the cliché reason, that the court had exceeded its statutory rights. By showing that the court had no real statutory foundation and by examining the attitudes of various historians on this aspect, one can understand how this viewpoint became possible and how it eventually was found to be a false viewpoint.

Next, a review of the actions of the Court during 1629 to 1641 was undertaken to seek possible causes for the dissolution of the Court. Upon failing to find any conclusive evidence for such causes, an in-depth analysis of the Long Parliament during 1640 - 1641 seemed appropriate. It is here that one sees what truly influenced the decision of the Long Parliament to dissolve the Star Chamber. Re-examination of those cases which Parliament had reviewed shows clearly why Parliament felt it to be necessary to abrogate the Court of Star Chamber. Parliament examined the most notorious cases from the period, 1629 - 1640. These cases influenced Parliament's eventual decision because they indicated that the Court was extending its mandate beyond some undefined boundaries. The reasons for its dissolution were, and still remain, the same but when these reasons are analyzed in the context of Parliament's review of the Star Chamber, the cause for the dissolution becomes apparent. I believe that it was the influence of the petitions of Walter Long, Richard Chambers, Alexander Leighton, William Prynne, David Foulis, John Corbet, John Williams, Richard Wiseman, Pierce Crosby, John Bastwicke, and John Burton that directly initiated the review of the Court and, subsequently, indirectly, caused the dissolution of the Court.



### Abbreviation of Titles

C.J. = Commons Journal

D.N.B. = Dictionary of National Biography

Documents = S.R. Gardiner.(ed.)*Documents Relating to the  
Proceedings against William Prynne.*

D'Ewes = W. Notestein *The Diary of Sir Simon D'Ewes*

E.H.R. = English Historical Review

Harley = British Museum Harleian Manuscripts

H.M.C. = Historical Manuscript Commission Reports

Keeler = M.F. Keeler. *The Long Parliament*

Laud = H. R. Trevor-Roper *Archbishop Laud 1573 - 1645*

L.J. = Lords Journal

P.B. = W.J. Jones *Politics and the Bench*

P.R.O. = Public Record Office

R.C.H.M. = Royal Commission of Historical Manuscripts

R.H.C. = John Rushworth *Historical Collections*

State Trials = W. Cobbetts and E.R Howell *Complete  
Collection of State Trials*

Stuart Const. = J.P. Kenyon *The Stuart Constitution* 2nd ed.

T.R.H.S. = Transactions of the Royal Historical Society

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## I. Preamble

The Court of Star Chamber was, simply, one of the English courts of the realm. The pre-eminence of this court should be attributed to the fact that its membership consisted of the King's Council, two chief justices, at least one member who was a Bishop, and that its president was the Lord Keeper. The origin of the Court stemmed from the fifteenth century when the King's council sat for judicial reasons. By the seventeenth century its jurisdiction had become defined. The Court was concerned primarily with serious misdemeanours such as breaches of the King's peace by riot, assault or intimidation. In addition, it was the principle court for cases of fraud, forgery and perjury.<sup>1</sup> The court was effective and popular until 1640 for two reasons: first, it was at the apex of its administrative sophistication; and secondly it was a perfect vehicle with which to carry a collateral attack on an opponent engaged in a battle in another jurisdiction over property.<sup>2</sup>

The preamble of the statute 16 Char. I c. 10 sets forth Parliament's ostensible reasons for the abolition of the Star Chamber.<sup>3</sup> It states that the court should be

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<sup>1</sup> Barnes, T.G. "Star Chamber and the Sophistication of the Criminal Law" in *Criminal Law Review* (1977) pp. 316 - 326. *Stuart Const.* p. 117 1st. Edition.

<sup>2</sup> Barnes "Due Process and Slow Process in the Late Elizabethan-Early Stuart Star Chamber" in *American Journal of Legal History* Vol. 6 (July, 1962) p. 330 / "Sophistication of the Criminal Law" in *Criminal Law Review* (1977) pp. 316 - 317. For a good review of the Stuart Star Chamber see *Stuart Const.* pp. 104 - 106.

<sup>3</sup> See appendix pp. 106 - 115.

dissolved because it exceeded no less than five statutes. Parliament felt the court acted excessively because it imprisoned or disseised freemen from their freehold, liberties and customs by an undue process. More important, Parliament felt that the court was exceeding boundaries established by the statute 3 Henry VII c. 1. To understand why this preamble was a facade rather than a solid structure and lacks historical precedence, an examination of the development of the Court was undertaken. By examining how historians of the twentieth century have assessed the early development of the Court, we can see how this mistaken viewpoint became accepted.

The actions of the Star Chamber from 1629 to 1640, which supported controversial religious and economic policies, have been suggested as the reason for the dissolution of the court. However, there is no substantiating evidence to link these actions of the court with its downfall. Why was there no outcry during this period over its alleged abuses? The only information available comes from the documents which are available and relevant to the Parliaments that met between 1640 and 1641. An examination of all documents available from that period, in particular, the records of both the House of Commons and the House of Lords, will help to explain why the court was abolished. One Star Chamber historian has commented that he was suprised that the Commons decided that it was necessary

to abolish the court rather than to regulate it.<sup>4</sup> However, the evidence really suggests the lack of need to review the Court; hence, it is suprising that a review of the court was called! The evidence which Parliament examined and the reasons for doing so should enlighten us about the court's dissolution. There is no question that the petitions which were introduced against the Star Chamber were entered at an opportune time; however, their consequent effects could not have been anticipated. To understand why this Court was dissolved the observer must realize that Parliament had assigned responsibility for examination of the most notorious cases from the preceding decade to the same committee which was reviewing the record of the Star Chamber, a potential for conflict of interest is apparent! The relationship between the petitions entered against the Court and its subsequent downfall has not previously been addressed.

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<sup>4</sup> H.E.I. Phillips M.A. Thesis *The Court of Star Chamber 1603 - 1641* University of London, 1939 p. 164

## II. Development of the Star Chamber

### A. The Statute 3 Henry VII cap. 1

The Court of Star Chamber was abolished by an act of the Long Parliament on July 5, 1641. This parliament linked the origins of the Star Chamber to the statute 3 Henry VII c. 1.<sup>5</sup> This statute established another court similar to the Star Chamber and the former court was mistakenly associated with the latter especially in view of the title 'Pro Camera Stellata'. This association helped the Long Parliament claim that the Star Chamber had exceeded its 'statutory limitations'. It is important to destroy the belief that the court had statutory limitations and, in so doing, to examine the true origins of the Court of Star Chamber. This investigation is enhanced by examining an analysis of the court's early origins by twentieth century historians.

Cora Scofield in her book, *A Study of the Court of Star Chamber* was the first historian to do an in depth analysis of the court using manuscript sources.<sup>6</sup> Her book was originally published in 1900 but was reprinted in 1969. She began by explaining the history of the King's Council and discussed, in particular, its judicial authority which stemmed back to 1178.<sup>7</sup> Her review of this Council ends with the accession of Henry VII and her conclusion that at that

<sup>5</sup> Reproduced in appendix pp. 104 - 105.

<sup>6</sup> Scofield *A Study of the Court of Star Chamber* (2nd ed. Burt Franklin; London, 1969)

<sup>7</sup> Ibid. p. xxiii

time, "the King's council possessed a large but partially defined [legal] jurisdiction, the justification of which was found, in part in the inadequacy of the common law and the rules of Chancery, and in part in the ability of the courts of the Kingdom to see that justice was done when might and right were ranged on opposite sides."<sup>8</sup> She goes on to show that historians had confused the King's Council with the Star Chamber, due to their similiar memberships. This confusion was also aided by the fact that both the early Star Chamber and King's Council records were recorded in the same minute book.<sup>9</sup> She notes, importantly, that these records begin on the first year of the reign of Henry VII.<sup>10</sup> She believed (incorrectly in my opinion) that the jurisdiction of the Star Chamber was partially based upon statutory right. She attempts to sustain her argument with an explanation of the statute 3 Henry VII c.1. She felt this Statute had a fourfold purpose: first, it gave warning of 'certain crying evils' which were to be prosecuted; second, "it recognized a somewhat summary form of proceeding, which, in part at least, was not new to the council"<sup>11</sup>; third, it gave some statutory authority to the court's jurisdiction without restricting the judicial authority then claimed by the council; and last, it named certain judges to a small committee which was given the

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<sup>8</sup> Ibid. p. xxx

<sup>9</sup> Ibid. p. 42.

<sup>10</sup> Ibid. p. 27

<sup>11</sup> Ibid. pp. 41 - 42.



right to act for the whole council in certain matters.<sup>12</sup> Scofield accounts for the title to the statute 3 Henry VII c.1, 'Pro Camera Stellata', by saying, "if the name 'Star Chamber' was used in a technical sense at this time, in all probability, as has been shown, it was a synonym for the King's council, and the title 'Pro Camera Stellata' therefore, must have been understood to mean 'Pro Consilio Regis'."<sup>13</sup> After her good beginning Scofield goes astray primarily because of the confusion over the title of the statute.

I.S. Leadam in his *Select Cases in the Court of Star Chamber A.D. 1477 - 1509* follows Scofield's lead.<sup>14</sup> His conclusions which are relevant to this study can be simplified to five points. First, he concluded that the Court of Star Chamber "did not conceive of itself as of statutory origin nor its practice as limited by the statute 3 Henry VII c.1 in respect to its (a) composition or (b) jurisdiction."<sup>15</sup> This was because it saw itself as a court drawn from the King's council and as such could not be limited.<sup>16</sup> The second conclusion suggests that the presence of legal experts on the court was derived from an earlier practice of using such experts to advise the King's council sitting judicially in the Star Chamber. Third, he suggests

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<sup>12</sup> Ibid.

<sup>13</sup> Ibid. p. 10.

<sup>14</sup> Leadam *Select cases of the Star Chamber* Seldon Society Vol 16 (1902)

<sup>15</sup> Ibid p. lxx.

<sup>16</sup> Ibid.



that "the Privy Council still affected and occasionally exercised a concurrent jurisdiction," but this "passed into increasing desuetude as the King's Council became absorbed in politics."<sup>17</sup> His fourth conclusion is that "the litigants during Henry VII's reign accepted the Star Chamber's view of its origin, assumed it to be the King's council, and notwithstanding the Act 'Pro Camera Stellata', to be invested with the indeterminate jurisdiction traditionally possessed by that body, generally conceived of as supplementary to the Common Law and Statute Law."<sup>18</sup> Finally he concluded that the primary object of the Act 'Pro Camera Stellata' was to obtain a statutory sanction from the King's council for the powers gained by the Star Chamber. This leads him to an incorrect conclusion, because the Act 'Pro Camera Stellata' did not give the Star Chamber statutory sanction. Also, as he points out, the court was not an institution separate from the King's Council during the reign of Henry VII because the court had not yet become distinct from the Council.

A.F. Pollard, in 1922, made a contribution to our understanding of the early Star Chamber history in his three-piece series entitled, "The Council, Star Chamber and Privy Council under the Tudors".<sup>19</sup> He begins his section on the Star Chamber by indicating that the phrase 'Star Chamber' originated neither from the council nor the

<sup>17</sup> Ibid. p. lxxi

<sup>18</sup> Ibid.

<sup>19</sup> E.H.R. Vol 37 (1922) pp. 337 - 360, 517 - 539 and Vol 38 (1923) pp. 42 - 60.

court but from the building in which both met.<sup>20</sup> It was because the term 'Star Chamber' became almost exclusively identified with one particular aspect of the council's activity in that building that the court came to assume that name.<sup>21</sup> Pollard's study is important because it clarified an error concerning the title of the statute 3 Henry VII c. 1, 'Pro Camera Stellata, An Acte geving the Court of Star Chamber, Authority to punnyshe dyvers Mydemeanors'. This title was added no earlier than 1550, which served to confuse contemporaries and was a convenient device for those who later abolished the Court of Star Chamber.<sup>22</sup> Further, he suggests that "the act of 1487 had little to do with the Star Chamber because its provisions are inconsistent with what we know of the personnel, the practice, and the procedure of the court."<sup>23</sup> However, he mistakenly believes that the so called Star Chamber act was actually intended to deal with problems within the King's household.<sup>24</sup> His belief that the Star Chamber and Privy Council separated under the Stuarts is also erroneous because the separation occurred under the Tudors. However, his conclusion that "the Star Chamber abolished by the Long Parliament was not therefore a court created in 1487 and resting on 3 Henry VII c.1, but a jurisdiction appertaining

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<sup>20</sup> Ibid. Vol. 37 p. 516.

<sup>21</sup> Ibid. p. 518.

<sup>22</sup> Ibid. pp. 520 - 525. A photocopy of the title was published in *B.I.H.R.* Vol III (Nov. 1925) pp. 115

<sup>23</sup> Ibid. p. 520.

<sup>24</sup> Ibid. p. 526. For criticism see W.S. Holdsworth *History of England* Vol IV p. 80 note 4.

to the King's medieval council," is correct.<sup>25</sup>

C.G. Bayne, the next authority on the early Star Chamber, wrote his *Select Cases in the Council of Henry VII* between 1937 and 1947, and they were published posthumously in 1958.<sup>26</sup> This monograph contributes to our understanding of the Act 'Pro Camera Stellata' and the origins of the court of Star Chamber. Bayne shows that the act 'Pro Camera Stellata' created a new court whose jurisdiction it defined and whose powers it limited. It was an independent tribunal designed to be an instrument for the suppression of the particular kinds of crime that, at that time, were most subversive to law and good government. Bayne shows that the statute 3 Henry VII c.1 was based on an oath taken by the Parliament in 1485 and the last extant record for this court is 1504. However, he is mistaken in assuming that the court existed until 1529 when the statute 21 Henry VIII c.20 enlarged upon the initial act.<sup>27</sup> He shows that the court created by the statute 3 Henry VII c.1, "was composed of a few specified judges, its jurisdiction confined to certain offences and it was empowered to inflict such punishments only as were authorized by particular statutes."<sup>28</sup> Bayne felt that the court established by this

<sup>25</sup> Ibid. p. 538.

<sup>26</sup> C.G. Bayne and W.H. Dunham *Select Cases in the Council of Henry VII* Seldon Society Vol 75 (1956). For reviews see G.R. Elton *E.H.R.* Vol 74 (1959) pp. 686 - 690 and T.G. Barnes *Speculum* Vol 34 (1959) pp. 649 - 651.

<sup>27</sup> Bayne *Select Cases* p. li The main function of this statute was to reconstitute the 1487 tribunal which had fallen into disuse by this time. J.A. Guy *The Cardinal's Court* pp. 132 - 133.

<sup>28</sup> Ibid. p. lxvii.

statute failed because it was superfluous; the court of Star Chamber was adjudicating on similiar offences and thus there was no need for the two tribunals.<sup>29</sup> The court erected by this act gave way to the older 'court' with its unrestricted jurisdiction. He establishes that the Court of Star Chamber's jurisdiction developed from the King's Council sitting judicially and exercising powers that the council had possessed from time immemorial. These powers were an essential part of the Star Chamber's constitution and had no need of statutory support because, like the powers of the Common law Courts, they were older than any statute.<sup>30</sup> However, he predates the clarification of Star Chamber and the Privy Council because during the reign of Henry VII they were still not defined.

In 1960 Geoffrey Elton reviews the findings about the court and then presents his own views. Elton felt that from 1530 onwards the King's council sitting as a court, the Star Chamber, was clearly distinguished from the King's council sitting as a board.<sup>31</sup> Some points he raises in his first edition of the *Tudor Constitution* he amends in his second edition. Elton emphasizes that the Star Chamber, "differed in every particular from the body set up in 1487."<sup>32</sup> The Star Chamber during that period was "mainly

<sup>29</sup> Ibid. p. lxxii.

<sup>30</sup> Ibid. p. lxx. See Elton's review (note 27 above) where he points out that Bayne and Dunham treat the Court of Star Chamber as established and distinct from the council acting in other capacities at a time (reign of Henry VII) when that was erroneous.

<sup>31</sup> *Tudor Constitution* 1st Edition p. 158.

<sup>32</sup> *Tudor Constitution* 2nd Edition p. 163

engaged in civil pleas," and "was simply the whole of the King's Council sitting to hear litigation brought before it either by private party or the occasionally by the crown through the Attorney General."<sup>33</sup> He clarifies that the court during the reign of Henry VII was not as yet the proper Court of Star Chamber but "instead we find the Councillors of the King meeting in the Star Chamber at Westminster when occasion offered, to take care of petitions presented. Their role was more of arbitrators than Court."<sup>34</sup> He explained that it was under Cardinal Wolsey that the Court began to have, "regularity in proceedings, a growth in clerical organization and a degree of consistency in handling matters, so that by the time of his fall a genuine court had come into existence."<sup>35</sup>

The most recent historian on the early Star Chamber is Elton's pupil J.A. Guy. The initial chapter in his book *The Cardinal's Court*, published in 1973, gives a good description of the court's development.<sup>36</sup> Guy begins by showing that from the fourteenth century onwards, "the King's council met semi-regularly in the Camera Stellata at Westminster and elsewhere, exercising the royal residuary powers delegated to it as need required and as time permitted."<sup>37</sup> Judicial work was but one aspect of its activity. He is meticulous in showing the council was well

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid. p. 164.

<sup>35</sup> Ibid.

<sup>36</sup> J.A. Guy *The Cardinal's Court* (Harvester Press; G.B., 1977).

<sup>37</sup> Ibid. p. 6.

appointed for judicial work because it included Lords, Knights, and a specialist element in the chief and puisne judges.<sup>38</sup> He has shown that even before Henry VII's reign, the records extant indicated that the council was a forum for private litigation, especially those which could be set into a context of local disorder and subversion, perversion of justice and official maladministration.<sup>39</sup> It was the council sitting in the Camera Stellata not the court created by the so called act 'Pro Camera Stellata' during Henry VII's reign, which was concerned "particularly with the potentially inequitable rigour of legal procedure."<sup>40</sup> He clarifies earlier findings by showing the only connection between the tribunal established by the statute 3 Henry VII c.1 and the council in Star Chamber was that they both sometimes met in the Camera Stellata, though the tribunal met more frequently in Chancery. Guy notes that with the death of Henry VII, the court founded by 3 Henry VII c.1 fell into abeyance despite its statutory authority, "casualties of the reaction against 'special' courts in government."<sup>41</sup> He establishes that the court erected by this statute was dead after 1504 and that the statute 21 Henry VIII c.20 was merely a quick but ineffectual attempt to revive this court. In an earlier article he pointed out that Henry VII's conciliar committees, which included the 'committee' formed by the statute 3 Henry VII c.1, did

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<sup>38</sup> Ibid. p. 136.

<sup>39</sup> Ibid. p. 8.

<sup>40</sup> Ibid. p. 14.

<sup>41</sup> Ibid. p. 21.



not survive the advent of Cardinal Wolsey.<sup>42</sup> It is also clear from the evidence, that the council's law enforcement function was reabsorbed into the Star Chamber under Wolsey's guidance.<sup>43</sup> Guy says "Henry VII fashioned to his own use with invectiveness and flexibility the existing embryonic conciliar structure at the centre of which lay the council in the Star Chamber."<sup>44</sup> Many private litigants and even a Lord Chancellor regarded the judicial activity of the Lords of the Council as constituting a court, nonetheless the King's council remained the King's council. Institutionally, the court of Star Chamber did not exist, as confirmed in the study of surviving proceedings. However, the nature and quantity of proceedings for the reign of Henry VII indicate that the 'true' court's development was well-nigh complete by the 1530's. Final recognition and organization came with the making of the Privy Council in the 1530's. The surviving evidence, however, points clearly to the emergence of the Court of Star Chamber during the years of Wolsey's ascendancy. In these years, business rapidly increased, certain areas of jurisdiction became better defined and technical complication of its procedure formalized. The court continued to develop throughout its life, growing more rigid and experiencing definition and technical

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<sup>42</sup> J.A. Guy "The Early-Tudor Star Chamber" in *Legal History Studies* 1972(1975) ed. Dafydd Jenkins p. 125. This was given as a paper in 1972 but was not published until 1975.

<sup>43</sup> Ibid.

<sup>44</sup> Loc. cit.

complication of its procedure, which involved deceleration of the pace at which litigation passed through the court and increased its costs.<sup>45</sup>

T.G. Barnes, historian of the later years of the High Court of Star Chamber, made an important addendum to these studies in 1972.<sup>46</sup> He felt that the Act 3 Henry VII c.1, although not giving it statutory sanction, had a determinative impact on the later Court of Star Chamber. Barnes says,

"In the later sixteenth century, when for a long period no bishop was a Privy Councillor, and only one judge was sworn to the council, a sitting of the High Court of Star Chamber always included a bishop and the two judges sitting with the Privy Councillors, as the 1487 Act directed. Moreover, the Act's reference to proceeding by 'information' was taken to authorize the Attorney General to bring prosecution in Star Chamber under the act and, later, regularly, both *Pro Rege* and on relation - an important element in stimulating the development of the criminal law of the court. Most importantly the act gave emphasis to repression of misdemeanor, crimes corrupting justice. With the exception of livery and retaining the 1487 Act's offences were, until its abolition, the staple of

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<sup>45</sup> Ibid. p. 122.

<sup>46</sup> "Star Chamber and the Sophistication of the Criminal Law" in *The Criminal Law Review* (1977) p. 318.



the Star Chamber."<sup>47</sup>

Thus the Court of Star Chamber developed from the King's Council sitting judicially. The two became differentiated during Henry VII's reign primarily because of Cardinal Wolsey. The court, from 1540 on, had a defined personnel, jurisdiction and procedure. It is a misnomer to link the Act of 1487, 3 Henry VII c.1, to the Court of Star Chamber but it is true that even some contemporaries made this mistake.

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<sup>47</sup> Ibid. p. 318 - 319.

## B. Contemporary Viewpoints

Prior to the abolition of the Star Chamber what were the opinions of contemporaries on the court's jurisdiction and its antiquity? These views will be illuminated by examining several treatises on the court and several relevant cases.

The first treatise is by the celebrated jurist Sir Edward Coke. Of particular interest is his section on the "Honorable Court of Star Chamber" in the fourth volume of his *Institutes* where he begins by saying "of the high and honorable courts of justice, this [Star Chamber] ought to be kept within its bounds and jurisdiction."<sup>48</sup> This theme recurs throughout much of this tract. Coke begins by showing that the court could be traced as far back as 28 Edward III, but no further. He says, "the court sat rarely in these times but for three reasons."<sup>49</sup> The first reason was to view 'enormous and exorbitant' causes, or cases of national import. Secondly, it met to deal with causes not heard by other courts. The second point supported a perjurative belief that the court was not a settled ordinary court. This supported one of two contemporary contumacious contentions, pointed out by the Star Chamber authority, William Hudson, to wit, that the court "was only an assembly for the consultation at the King's command in

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<sup>48</sup> *Fourth Institute* p. 60

<sup>49</sup> *Ibid.* p. 61. The third is omitted from this discussion as it is actually a reason for the court not sitting. i.e. In order not to draw Privy Councillors away from matters of state.

cases where other courts lacked power."<sup>50</sup>

Coke was aware of the misconception attached to the statute 3 Henry VII c.1, since he felt it necessary to discuss it. This act, Coke believed, did not initiate a new court because the Star Chamber existed previously. His view relies on two points: first, "that bills and informations were directed, in the Star Chamber, to the King whilst this act directs them to the Lord Chancellor"<sup>51</sup>; second, that the Star Chamber was not limited to the offences listed in the statute. Continuing, he felt the statute introduced one new aspect of law in that it allowed, "the defendant to be examined upon oath after his interrogatory by the court."<sup>52</sup> He also felt the statute did not take away from the Star Chamber's jurisdiction and "its jurisdiction dealt not with any offence, that is not *malum in se*, against the common law, or *malum prohibitum*, against some statute."<sup>53</sup> Coke continues, "it is the most honorable court, (our parliament excluded) that is in the Christian world, both in respect of judges of the court, and of their honourable proceeding according to their just orders of the court."<sup>54</sup> The important points to consider are his comparison with Parliament and the use of the word *just*.

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<sup>50</sup> T.G. Barnes "Mr. Hudson's Star Chamber" in *Tudor Rule and Revolution* ed. Guth and McKenna (Cambridge, 1982) p. 307.

<sup>51</sup> Coke *Fourth Institute* p. 62.

<sup>52</sup> Loc. cit.

<sup>53</sup> Loc. cit.

<sup>54</sup> Op. cit. p. 65.

Prior to 1644 it was unlikely that many people were aware of the beliefs outlined in Coke's *Institutes* since his papers were seized on his death in 1633 and were not recovered until the Long Parliament restored them to his son in 1641.<sup>55</sup> The *Fourth Institute* was not in fact published until 1644. However, the legal profession saw Coke's belief outlined in one exceptional case. This case was the Attorney general ex rel. Sir Richard Egerton v. Richard Brereton et al.<sup>56</sup> In this case the power and authority of the Star Chamber were drawn into question and the court narrowly averted a blow to its power in a vote of 6 to 4. In this case three important Common law judges, Coke, Sir John Croke, J.K.B., and Sir Henry Hobart, C.J.C.P., felt the court's power should be restricted in two respects and limited in respect of a third.<sup>57</sup> They were in the minority but they did question the court's power.

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<sup>55</sup> C.J. II p. 87 February 13, 1641.

<sup>56</sup> P.R.O. Stac 8 / 14 / 7. This case is discussed in T.G. Barnes "A Cheshire Seductress, Precedent, and a 'Sore Blow' to Star Chamber" in *On the Laws and Customs of England* Ed. M.S. Arnold et al. (Chapel Hill: The University of North Carolina Press, 1981) pps. 359 - 382.

<sup>57</sup> The three questions were: "(1) Whether this court hath used to graunt anie process extent for the levying and payment of damages and coste uppon the landes and goode of the partie that ought to paie the same; (2) Whether Sir Henry Townshend standings not convicted by the said decree ought to be chargeable with the paiement of the fyne[to the King], damages, and costes imposed uppon his wife; (3) Lastlie, whether this court hath used to staie all suite in other courtes brought by such as shall not performe the decrees of this court for the other matters not cncerninge the mattters herein dependinge although they were bet were between the same parties." In Barnes "Precedent and the Star Chamber" pp. 363. The matter in hand was whether the court could extend its power and it allowed this decision to rest on the search of precedents.

They felt the court did not have "as great power as common law courts to issue process of extent to levy damages and costs upon parties sentenced in the court."<sup>58</sup> These three important judges had challenged the court's almost omnipotent powers.<sup>59</sup>

The next discourse concerning the Star Chamber is by John Rushworth, who culled his brief comment mainly from William Hudson's treatise.<sup>60</sup> It is interesting because it does represent his belief and varies in certain ways from that of Hudson. He follows Coke, not Hudson, in dating the court back to the time of Edward III. He also points out that, in the case between the Earl of Northumberland and Sir Stephen Proctor it was "published in open court, that the statute of 3 Henry VII extendeth not any way to this court: But the lords may at all times in all places determine all things therein specified."<sup>61</sup> However, he never explicitly establishes what the bounds of the court were. The rest of his tract follows Hudson except for two illustrations showing the court exceeded its bounds. The first comes when he discusses the members of the court and he remarks, almost in surprise, that with so great a presence (representatives from justice, religion and government) the court exceeded its bounds.<sup>62</sup> Second, in

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<sup>58</sup> Barnes *Mr. Hudson's Star Chamber* p. 306.

<sup>59</sup> The emphasis given by Barnes to this case shows he felt it was an important questioning of the power of the Star Chamber.

<sup>60</sup> R.H.C. II 1 pp. 471 - 480.

<sup>61</sup> R.H.C. Vol II 1 p. 471.

<sup>62</sup> Ibid. p. 475.

reference to the case against Prynne, Bastwicke and Burton, in 1637, he says, "the court swells big", "the court delighted in blood", and it was from this time on that "the English nation [began] to lay to heart the slavish condition they were like to come unto, if this court continued in its greatness."<sup>3</sup>

The last treatise comes from the pre-eminent Star Chamber lawyer, William Hudson, and is treated by T.G. Barnes in his article "Mr. Hudson's Star Chamber".<sup>4</sup> Hudson's treatise was "widely published in manuscript in the later 1620's and the 1630's." <sup>5</sup> Barnes points out that a major portion of Hudson's treatise, "sought to establish by historical evidence that the Star Chamber 'is a settled ordinary court of justice', of great 'antiquity', surpassing 'dignity', its judges 'the great senators of this state', and its ministerial officers 'principal' officers responsible to the great officer of state, The Lord Chancellor..."<sup>6</sup> The reason behind this and the rest of his treatise was to defend the Star Chamber from "a growing current of popular contumelious criticism aimed at the Star Chamber."<sup>7</sup> Hudson hoped that his criticism would be looked at by the then Lord Keeper, Bishop Williams, who would reform the growing abuses. Hudson felt the Star

<sup>3</sup> Loc. cit.

<sup>4</sup> The most accessible copy is printed in F. Hargrave's *Collectanea Juridicia* Vol II pp. 1 - 220. See a review and interpretation of it in T.G. Barnes "Mr. Hudson's Star Chamber" pp. 285 - 308.

<sup>5</sup> Barnes "Mr. Hudson's Star Chamber" p. 286

<sup>6</sup> Ibid. p. 305.

<sup>7</sup> Op. cit. p. 296.



Chamber was not founded by statute, nor did it have a defined constitution because it was based on the common law system; precedent established the court's boundaries and as such he attempted to set out the procedure which Williams should follow. By setting out these points he was also attacking any belief that the court was founded by the statute 3 Henry VII c. 1. Hudson's acknowledgement that Star Chamber was becoming rife with abuses and that people were criticizing it "is the best evidence for its existence, for elsewhere there is little indication of it."<sup>68</sup> It also shows that even in the 1620's there were some doubts about the court's origin and jurisdiction.

One case shows us what another common law court thought about the Star Chamber's jurisdiction. This is the case of the Attorney General v. Richard Chambers, in 1629. Chambers during his defence failed to claim the court was exceeding its bounds. This might have been considered libellous, but after his conviction he petitioned the Barons of the Exchequer for relief from his fine, feeling that the Star Chamber had exceeded the bounds set out by the statute 3 Henry VII c. 1. The Barons refused to judge this matter, stating, "that the Court of Star Chamber was not erected by the statute 3 Henry VII, but was a court many years before, and one of the most high and honorable courts of justice; and to deliver one who was committed by the decree of one of the courts of justice was not the

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<sup>68</sup> Ibid. p. 302.

usage of the court; and therefore he was remanded."<sup>69</sup> Thus the Exchequer set out a principle similar to that of Hudson.

The examination of these treatises and cases illustrate several important points. First, it shows that it was common knowledge amongst the legal profession that the court was not established by the statute 3 Henry VII. However, this did not stop several lawyers, while members of the Long Parliament, in pressing this argument. It also shows that the court's power was being debated prior to its abolition by, among others, Sir Edward Coke and William Hudson. The argument that the Star Chamber was exceeding its boundaries, supposedly set by the statute 3 Henry VII c. 1, does not explain the reasons for the downfall of the court. The act 'Pro Camera Stellata' provided a pretext for rather than the cause of the dissolution of the Star Chamber. Therefore the factors that led to the downfall of the court must be examined.

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<sup>69</sup> R.H.C. Vol I 1 pp. 676 - 677



### III. Factors influencing the Star Chamber's dissolution

One reason given for the downfall of the Court of Star Chamber was that it was "...besmirched by its connexion with the Laudian hierarchy." H.E.I. Phillips expands on this, feeling that it was THE reason for the court's downfall. He says, "The true reason for its [Star Chamber] fall was not so much that its proceedings were irregular, nor that its jurisdiction was illegal, nor that it habitually administered excessive punishment. The sudden reaction against the court may be interpreted as a phase of the general movement against the Episcopacy."<sup>2</sup> He points to the general uproar of the populace against the sentencing of Burton, Bastwicke and in particular William Prynne, in 1637 and argues that Archbishop Laud always 'voted with the highest' in sentencing. His exposition is forced but the point does bear mentioning since the connection between Laud and the Star Chamber was seen by the public to be a problem, albeit a minor one, in the total 'excesses' of the court.

Archbishop Laud tended to vote for the highest penalties in the sentencings by the Star Chamber but there were notable exceptions. In 1635 he voted against the whipping of Alice Maxwell in the case of Attorney General v. James Maxwell and his wife.<sup>3</sup> More importantly he voted,

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<sup>1</sup> *Stuart Const.* p. 106

<sup>2</sup> H.E.I. Phillips *The Court of Star Chamber 1603 - 1641* Unpublished M.A. Thesis; University of London, 1939. p. 193.

<sup>3</sup> S.P.D. 16 / 286 / 103.

in 1634, against the cropping of William Prynne's ears.<sup>4</sup> The importance placed on the supposed enmity between Laud and Prynne, in and out of the Star Chamber, necessitates an examination of their relationship. The two clashed first in 1627 when Prynne was cited for writing *The Perpetuity of a Regenerate Man's Estate* which was a belated attack on Reverend Richard Montague. The government ineptly censored this tract but Prynne was able to avoid prosecution by securing a writ of prohibition.<sup>5</sup> It was not until 1633 and Prynne's publication of the *Histriomastix* that the two met in the Star Chamber. It has been said that the trial was brought about at the insistence of Laud and that both the King and the Attorney General felt it unnecessary to proceed in the Star Chamber against Prynne, but evidence to support this is lacking.<sup>6</sup> The evidence after this trial suggests otherwise.<sup>7</sup> It was the Attorney General who pressed the court to prohibit Prynne from having pen, ink, or paper while imprisoned.<sup>8</sup> Archbishop Laud differed, saying, "My Lords, he hath undergone a heavy punishment, I am heartily sorry for him; and Mr. Prynne, I pray god forgive you for what you have done amiss, I confess I do not know what it is to be a close prisoner, and to want bookes, pen, and ink and company. Certainly a man alone in that case, who knoweth how he may instigated? And as Mr.

<sup>4</sup> Prynne's case is discussed on pp. 81 - 83.

<sup>5</sup> *Laud* p. 160.

<sup>6</sup> *Ibid* p. 162.

<sup>7</sup> This case is discussed later, so only parts relevant here will be discussed.

<sup>8</sup> *Loc. cit.*

Attorney saith, he is past all grace, and modesty; surely then he hath need to be more free, and have books and go to church."<sup>9</sup> Prynne was quoted as having quietly replied, "I humbly thank your grace."<sup>10</sup> The Attorney General's motion on this failed. Prynne, however wrote to Laud after the trial attacking Laud's arguments in the court and accusing him of some illegalities. No further action was taken against Prynne, and overall Laud cannot be seen as pressing for retribution against Prynne.

Over the next few years the imprisoned Prynne managed to write many tracts including *A Breviate of the Bishops Intolerable Usurpation and Encroachment upon the King's Prerogative and Subjects Liberties*, *The Unbishoping of Timothy and Titus*, and inauspiciously *The News from Ipswich*. The government, led by Laud and Lord Wentworth, introduced reforms in an attempt to control these and other libellous tracts but their measures were ineffectual. Prynne's attack on the unpopular bishops provoked Laud into having him charged with libel in the Star Chamber in 1637. Prynne was regarded as one of the chief offenders of the time and, as H. R. Trevor-Roper notes, one "whom confinement had failed to silence, whose influence prevailed upon others to express his extremist doctrines, whose resourcefulness in prison baffled the vigilance of authorities and eluded their censorship."<sup>11</sup> Prynne was found

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<sup>9</sup> R.H.C. Vol II 1 p. 248.

<sup>10</sup> Loc. cit.

<sup>11</sup> *Laud* p. 319.

guilty of printing and publishing libels and was sentenced together with John Bastwicke and Henry Burton.<sup>12</sup> Laud and William Juxon, Bishop of London, who were attacked by Prynne's pamphlets, remained silent during the case and did not pronounce sentence.<sup>13</sup> Laud attempted to dissociate himself from any 'act of reprisal' by refraining from pronouncing sentence, but he was still seen as the instigator of the attack against Prynne. However it was after the court had given sentence that he attacked Prynne's pamphlets laboriously reviewing the charges point by point.

The punishment of Prynne, accompanied by that of Burton and Bastwicke, aroused 'hysterical demonstrations' against the Star Chamber. The case caused a great deal of concern at Court and made Prynne a symbol of opposition to the Crown. Laud was dissatisfied with the speeches given by the trio at the execution of their punishment.<sup>14</sup> The execution of their sentences made them heroes, and they were accompanied by great throngs of people on the way to imprisonment. However, it cannot categorically be said that Laud's "avenging hand descended on the cities that entertained Prynne on his journey to Lancaster."<sup>15</sup> It appears rather that the Attorney General acted on orders

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<sup>12</sup> S.P.D. 16 / 361 / 92 reproduced in Appendix pp. 116 - 117. See below pp. 91 - 93.

<sup>13</sup> The Bishops in general, with Laud at their head, were attacked.

<sup>14</sup> *Laud* pp. 322 - 323. S.P.D. 16 / 363 / 42 reproduced in Appendix pp. 124 - 128.

<sup>15</sup> *Loc. cit.*

from Charles I.<sup>16</sup> It was the King in council who made the decision but he was undoubtedly pressed to do so by Laud.<sup>17</sup> The general view, that Laud singled Prynne out for attack in Star Chamber in 1637 can be sustained but it appears he was not as 'vengeful' in 1633 - 1634 and in 1637 as some people suggest.<sup>18</sup>

Without a doubt one of the chief requirements of Charles I was money. The court of Star Chamber has been seen as one of the chief instruments in raising funds. It was this role of the court which caused it to appear to be a burden to England. In 1640 John Pym called the Star Chamber "a court of revenue".<sup>19</sup> The Lord Privy Seal stated on June 17, 1641 that there were three abuses of the Star Chamber which were: that the court was used for matters of revenge; that it was used for the protection of unlawful grants; and "that the court brought the King a great deal of money by way of fine."<sup>20</sup> These statements by two people from opposite sides of the political fence go a long way to support the belief that Charles raised a great deal of money through the court.

The fines collected by the Star Chamber will be examined first. The remnants of the Court's record for the reign of Charles I shows a minimum of 75 cases with fines in excess of £ 1,000 imposed upon at least one of the

<sup>16</sup> *Documents* pp. 66 - 67.

<sup>17</sup> S.P.D. 16 / 367 / 59.

<sup>18</sup> W.M. Lamont *Marginal Prynne 1600 - 1669* (London, 1963) pp. 33

<sup>19</sup> *Stuart Const.* Document 56 p. 183.

<sup>20</sup> Harley 6424 fol. 73v.

parties involved. This appears to be an exorbitant amount of money unless one remembers the frequency with which the Court itself reduced most of these fines. Phillips' research on Star Chamber fines found that "fines were often confirmed in full, either because the amount was small [less than £50 ] or because the enormity of the offence was considered to merit its being retained, yet in the majority of cases fines were either respited or mitigated."<sup>21</sup> Phillips points out that one reason for respiting fines was to suppress further lawlessness on the part of offenders - eventually, with good behaviour, most of the fine would be mitigated. F. C. Dietz's survey of the receipt book of the Exchequer has made it possible to determine whether or not the amount of fines entered for the Star Chamber was rising or falling.<sup>22</sup> In 1619 - 1620 the Star Chamber receipts made up a total of 10% of all the Exchequer receipts.<sup>23</sup> This year was exceptional, the cash receipt for the Star Chamber fines being £37,092 while the following year it only yielded £2,358. The year 1619 - 1620 was truly unusual because the Attorney General introduced 32 informations Pro Rege against London Merchants, from which fines of £151,500 were awarded to the King. This was the largest fine ever imposed in a single Star Chamber case.<sup>24</sup> Needless to say,

<sup>21</sup> Phillips Op. cit. p. 136.

<sup>22</sup> F.C. Dietz "Receipts...of the Exchequer" *Smith College Studies in History* XIII no. 4. Phillips points out several minor inaccuracies in Dietz's work (M.A. Thesis pp. 144 - 145).

<sup>23</sup> £37,092 3s. 2d. from a total cash receipt of £352,114 13s. 8d.

<sup>24</sup> P.R.O. Stac 8 / 25 / 19 mentioned in Barnes "Mr.



the two figures do not coincide, undoubtedly because the fines to some degree were either mitigated or respited. Nonetheless, for the 1629 - 1640 period the lowest amounts collected up to and including the years 1639 - 1640 were £303 17s. and 8d. in 1628-29 and £457 7s. and 8d. in 1632, while the highest are £13,421 18s. and 9d. in 1637-38 and £9,445 12s. and 4d. in 1634-35. In 1638-39 the total fines collected were £1,735 and 8d., for 1639-40 it was £ 1,992 7s. and 4d. The aggregate of receipts varied between £4 - 5,000 .<sup>25</sup> Phillips summarizes that, "During the reign of Charles I, they [Star Chamber fines] varied from as little as one quarter of one percent in 1629-30 to nearly three percent in 1637-38."<sup>26</sup> Overall total receipts of Star Chamber fines declined for the reign of Charles I

So, the amount of money collected from Star Chamber fines was inconsequential and does not adequately explain the Lord Privy Seal's remark 'that the court brought the King a great deal of revenue'. Barnes has shown that the court raised money by a different mode. In the ten years from 1631, 175 actions were brought forward by the Attorney General for what can be termed 'fiscal ends'.<sup>27</sup> Of these, forty proceeded to trial and determination and these encouraged or compelled gentry, fearful of prosecution, to compound with special commissions. "The same end was

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<sup>24</sup> (cont'd) Hudson's Star Chamber" p. 302.

<sup>25</sup> Phillips Op. cit. pp. 144 - 145.

<sup>26</sup> Ibid.

<sup>27</sup> "Due Process and Slow Process in the Late Elizabethan Early Stuart Star Chamber" p. 336.

intended and purpose served by the prosecution of office holders for extorting fees, gentlemen remaining in London contrary to the proclamation directing them to return to their county seats, deceitful manufacturers, infringers of patents of monopoly, exporters of prohibited commodities, corn hoarders in time of scarcity, sheriffs for misdemeanors in office, and victuallers for selling meat in Lent. These test cases, brought for entitling judgements, were essential for the composition for pardon; by threat of prosecution in the Star Chamber, Charles raised much of His revenue which founded the 'personal rule'.<sup>28</sup> A great deal of money was not brought in directly from the Star Chamber fines but likely it was brought in by this indirect method.

The role of ship money and 'coat and conduct' money, in particular, in making the Star Chamber unpopular needs to be reassessed. In 1637, a warrant was issued for John Claypoole's apprehension for "his misdemeanours to his majesty's service in the collection of ship money."<sup>29</sup> The Attorney General was ordered to examine him and proceed in the Star Chamber. The outcome of this is not clear, but the threat of prosecution undoubtedly had its effect on him and others. In 1638 the opinion of the judges, concerning this issue, in the case *Rex v. Hampden* was enrolled in all superior courts including the Star Chamber. This was an attempt to silence doubts concerning the ship money writs and a mode of strengthening the hand of authority against

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<sup>28</sup> Ibid.

<sup>29</sup> R.H.C. Vol II 1 p. 471.



those unwilling to pay. Also in 1638 Thomas Welles petitioned the council to stop a Star Chamber action over failure to pay ship money.<sup>30</sup> If Welles' petition can be believed, the amount at issue was only 18*d*.

However, ship money and the Star Chamber did not really become a problem until 1640. In early 1640 Charles was facing a crisis in government. The root of this crisis was the Bishop's war of 1639 and the failure of the Short Parliament.<sup>31</sup> Charles' major problem was his need for money. After the abrupt dissolution of Parliament on May 5, 1640 Charles turned to ship money as the most profitable mode of raising money. On May 6, the day after the dissolution of parliament, Charles began enforcing the payment of ship money and 'coat and conduct' money with an order to the Attorney General to proceed against various offenders in the Star Chamber.<sup>32</sup> The Sheriff of Yorkshire was summoned in order that he could be prosecuted in the Star Chamber and the Attorney General was ordered to proceed against him *ore tenus*.<sup>33</sup> Charles appeared to want an example to be made of someone to facilitate the

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<sup>30</sup> S.P.D. 16 / 376 / 131.

<sup>31</sup> Ship money had been paid well until the issue of writs for elections to parliament. Few thereafter would pay a levy which might be questioned or when certainly subsidies would be granted. K. Sharpe "The Personal Rule of Charles I" in *Before the English Civil War* Ed. H. Tomlinson (London; Macmillan Press, 1983) pp. 77 - 78. Charles aggravated the ship money problem by offering to relinquish his right to collect it in return for 12 subsidies and then when problems set in, dissolving parliament.

<sup>32</sup> S.P.D. 16 / 452 / 53 And in Rushworth II 2 pp. 1173. A full account is reprinted in appendix pp 139 - 140

<sup>33</sup> Ibid.

continuance of ship money payments. Yorkshire was undoubtedly delinquent in its payments but it may have been chosen because two Yorkshire Knights had appeared before the Privy Council and stated that freeholders of Yorkshire had told them that they did not care how many subsidies were given as long as the grievance of ship money was abated.<sup>34</sup> Captain Edward Rossingham comments that in June, "the high Sheriff of Yorkshire, who is prosecuted in the Star Chamber for not collecting the ship money is now undertaken to collect it, every penny, in a month's time or thereabouts, so he is sent down, and the Star Chamber bill against him will sleep in the meantime."<sup>35</sup>

In the week of May 6 - 12 the Sheriffs of Essex, Middlesex and London were all prosecuted in the Star Chamber for refusing to collect the ship money according to the writs.<sup>36</sup> On May 11, another Sheriff, from Stratford, was freed from a Star Chamber action since his county's ship money was paid.<sup>37</sup> The council during this time was also proceeding against the deputy lieutenants of London for not subscribing to the warrants for raising 'coat and

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<sup>34</sup> S.P.D. 16 / 453 / 24.

<sup>35</sup> S.P.D. 16 / 457 / 36. Captain Rossingham's newsletter system is described in E. Cope and W.H. Coates' *The Proceedings of the Short Parliament* Camden fourth series (1977) pps. 35 - 37. The sources he used and those he compiled testify to contemporary interest in parliamentary proceedings and the Star Chamber. Newsletters of Rossingham that are important are reprinted in appendix pp. 116 - 138.

<sup>36</sup> S.P.D. 16 / 453 / 24. Essex may have been singled out because of the petition of freeholders of the co. Essex in the Short Parliament which listed several grievances, in particular Ship money. The petition is in E. Cope *The Short Parliament* pp. 275 - 276.

<sup>37</sup> S.P.D. 16 / 453 / 6.

conduct' money.<sup>38</sup>

On May 17th, Thomas Alderne, the Sheriff of Hereford, was to be released from custody on a bond of £5,000 to insure his diligence in collecting the ship money charged upon that county.<sup>39</sup> His bond was also to ensure his answer to the Star Chamber action exhibited against him "for abusing the council board by a letter intimating his under-sheriff had been slain in execution of his majesties writ for that service, and that he stand to and abide by the sentence of the court."<sup>40</sup> It appears that Alderne either did not, or could not, pay the bond, as he petitioned the king and council for release on June 12, 1640.<sup>41</sup> Alderne had issued his writs and asked to return to Hereford in order "to do his majesty the service required."<sup>42</sup> On May 27, an order of Council required the Solicitor General to proceed against William Pargiter, Samuel Danvers and George Nash for the refusal to assess or pay 'coat and conduct' money. The Solicitor General was advised of the need to have an information "speedily preferred against them" in the Star Chamber using (or abusing) the procedure of *one tenus*.<sup>43</sup>

William Halford, Sheriff of Leicester, petitioned the council on June 1.<sup>44</sup> This petition is a good one to review

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<sup>38</sup> S.P.D. 16 / 453 / 24.

<sup>39</sup> S.P.D. 16 / 453 / 106.

<sup>40</sup> Ibid.

<sup>41</sup> S.P.D. 16 / 456 / 75.

<sup>42</sup> Ibid.

<sup>43</sup> S.P.D. 16 / 455 / 18.

<sup>44</sup> S.P.D. 16 / 461 / 73.

for it requests exactly what the Privy Council wanted. "Petitioner [Halford] being served to appear in the Star Chamber for neglecting to collect ship money cannot consequently apply himself to His Majesty's service, wherein he is most willing to use his utmost endeavor; his humble suit is you will spare him further attendance concerning that suit, that he may return into the country for expediting his majesty's service, whereof he hopes to give an acceptable account."<sup>45</sup> There was a growing opposition to the payment of 'coat and conduct' money and ship money collection. In early June the Lord Mayor and both Sheriffs of London were called before the council table to give His Majesty an account of ship money collection. The Lord Mayor's reply was "...he had sent his officers to collect it, but few or none would pay."<sup>46</sup> The King pressed the Lord Mayor telling him to "distrain for it upon refusers."<sup>47</sup> The actions of the Lord Mayor, an interesting comment on this period, are chronicled by Rossingham, who says, "the next day the Lord Mayor with both the sheriffs and a constable, and the City officers go from house to house to call for ship-money, but not one man paid it, wherefore the Lord Mayor willed the sheriffs to distresses upon the refusers, but they refused, desiring him to do the office himself, it not being required of them by the writ. A linen-draper refused to pay, so my Lord

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<sup>45</sup> Ibid.

<sup>46</sup> S.P.D. 16 / 457 / 36. Reprinted in appendix pp. 135 - 136.

<sup>47</sup> Ibid.

Mayor seized on a piece of linen cloth, which the linen-draper desired to measure, saying it would cost his lordship so much an ell, in all £11 . And if his Lordship would take it, both the sheriffs refusing to meddle with it, he told him he would enter it to his account in his book, and would expect payment taking witness of the delivery of it, but my Lord Mayor told him again he distrained it for his majesty's use, because he refused to pay his ship money."<sup>48</sup> The response of the Mayor and sheriffs was unacceptable to Charles. On July 5, the King and Council ordered the Attorney General to proceed in the Star Chamber against the Lord Mayor and Sheriffs of London and Middlesex, for their contempt and default in the execution of the ship money writ.<sup>49</sup> On July 12, a similiar order was issued for Sir Simon D'Ewes, Sheriff of Suffolk.<sup>50</sup>

On August 2, Charles felt it necessary to issue the only proclamation of his reign concerning ship money.<sup>51</sup> Three days later, to levy ship money, Thomas Pychard, Sheriff of Cambridge, asked the council to help him make examples of those gentlemen who refused to pay. He intended to prosecute them by entering a process in the Star

<sup>48</sup> Ibid.

<sup>49</sup> R.H.C. II 2 p. 1203. A full account is reprinted in appendix pp. 141 - 142. Further minor developments are discussed in Rossingham's newsletter of August 4, 1640 listed in S.P.D. 16 / 463 / 33. Reproduced in appendix pp. 137 - 138.

<sup>50</sup> Ibid. p. 1204 A full account is reprinted in appendix p. 143.

<sup>51</sup> J.F. Larkin *Stuart Royal Proclamations* Vol II (Oxford:Clarendon Press, 1983) pp. 728 - 730.



Chamber.<sup>52</sup> On August 4, Rossingham reports a petition directed to His Majesty from the county of Berks which complained about "The illegal and insupportable charge of ship money imposed now the fifth year; the new tax of coat and conduct money, with the undue means used to enforce its payment by messengers from the council."<sup>53</sup> On August 28, twelve lords petitioned the King to take notice of 'the evils and dangers' of the nation by examining seven grievances. The fifth of the seven 'evils' was "The urging of ship money and prosecution of some sheriffs in the Star Chamber for not levying it."<sup>54</sup> On September 24, the citizens of London petitioned the King with another list of grievances which dealt with monopolies and religion amongst other things. One of these grievances was "The imprisonment of divers citizens for non payment of ship money and impositions and prosecution of many others in the Star Chamber."<sup>55</sup> Great damage was done to Charles' government and to the Star Chamber because of the link to ship money and coat and conduct money. This served to increase animosity towards the Court and solidify the public's perception of the unfairness of the court. In the first days of the Long Parliament, when the main grievances were

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<sup>52</sup> S.P.D. 16 / 463 / 43.

<sup>53</sup> S.P.D. 16 / 463 / 33. See appendix pp. 136 - 137.

<sup>54</sup> S.P.D. 16 / 465 / 16. The twelve Lords were Exeter, Francis Bedford, W. Hertford, R. Essex, Rutland, Warwick, Bolingbrook, Mulgrave, W. Say and Seal, E. Mandeville, E. Howarde, R. Brooke. R.C.H. II 2 p. 1261 - 1262 omits the Earls of Exeter and Rutland and inserts those of Bristol and Pagett.

<sup>55</sup> S.P.D. 16 / 468 / 29 Docquet.

listed, the Star Chamber was always linked with the problem of ship money.

Barnes has shown that it was a myth that the "Star Chamber perpetrated barbarous corporal punishments."<sup>56</sup> However, the severity of the punishment did sway public opinion against the court. The corporal punishments the court was known to inflict were whipping, loss of ears, branding or all three. These were relatively standard punishments in that day and age, yet there was considerable publicity surrounding the most notorious Star Chamber sentences involving corporal punishment. These punishments may not have been the most severe sentences of any court during the reign of Charles but they were the most visible. Two additional points need to be stressed: first, that of "236 known judgements during this period, only 19 involved the corporal punishment of any of the parties to the suit."<sup>57</sup> Interestingly, the Long Parliament, in 1640 - 1641, examined seven of these cases.<sup>58</sup> Second, in the contemporary mind only four cases caught the attention of the populace.<sup>59</sup> The infamous case of Sir Richard Wiseman was, on the whole, overlooked until it was examined by the Lords during the Long Parliament.<sup>60</sup>

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<sup>56</sup> Barnes "Star Chamber Mythology" in *American Journal of Legal History* Vol V (1961) p. 6.

<sup>57</sup> H.E.I. Phillips *The Last Years of the Court of Star Chamber 1630 - 1641* T.R.H.S. (1939) p. 118

<sup>58</sup> Actually 8 if one includes the sentence of L. Osabaldston who avoided his punishment by escaping. See page 89 - 90.

<sup>59</sup> Prynne, Bastwicke, Burton, and Lilburne.

<sup>60</sup> Below pp. 96 - 98.

Nonetheless, the idea that Star Chamber was an instrument of religious persecution remained; and so did the idea that it was an instrument of financial exploitation. These reasons show how the resentment against the court grew but it does not explain why the court was abolished. To examine why it was abolished we must turn to an examination of the Parliament which dissolved the Court.



#### IV. Proceedings During the Short and Long Parliaments

##### The Short Parliament

The Short Parliament which met from April 13 until May 5, 1640 accomplished very little. The proceedings of this parliament must be examined to find out whether the Star Chamber was considered a concern. The court was mentioned on only four days of this parliament. On April 17 Pym made his speech which would become famous. In this speech he called the court, "a courte of revenue" because it countenanced oppressions like the soap monopoly.<sup>1</sup> He also claimed that it was used to force sheriffs to collect ship money. On April 18 and 20 Star Chamber was accused of breaching its primary purpose by violating the privilege of the last parliament.<sup>2</sup> This was in concern to the action brought against Sir John Eliot and Walter Long.<sup>3</sup>

Approximating one of Pym's claims two Essex constables entered an interesting and pathetic petition because of their arraignment before the Star Chamber for failing to collect ship money.<sup>4</sup> These statements represented the instances in which the court is mentioned during the Short Parliament. It is surprising that more is not discussed because it was during the next Parliament that the Star Chamber was dissolved. The most noteworthy thing that this parliament did in regard to the Star Chamber is nothing.

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<sup>1</sup> Cope *The Short Parliament* p. 154.

<sup>2</sup> Ibid. pps. 212 and 220

<sup>3</sup> For a brief review of their case see pp. 73 - 76 below.

<sup>4</sup> Cope *The Short Parliament* pp. 287 - 288.

## The Long Parliament

The Factors leading to the abolition of the Court of Star Chamber were identified during the first session of the Long Parliament. My examination of Parliamentary proceedings is broken into three sections: first, the proceedings of the House of Commons from November 6, 1640 until June 9, 1641; then the proceedings of the House of Lords between November 6, 1640 and June 24, 1641, concentrating on the final two weeks; and finally, the proceedings in and between the two Houses of Parliament from June 25, 1641 until the Court was abolished on July 5. An analysis of this legislation helps to explain the dissolution of the court.

### The Commons from November 7, 1640 to June 8, 1641.

Grievances against the Court of Star Chamber and its judges and officials burst forth during the second working day of the Long Parliament, November 7, 1640. These grievances emerged in the petitions presented on behalf of Henry Burton and John Bastwicke.<sup>5</sup> Their petitions asked for their releases due to infringement of their liberties and privileges in relation to three matters: that the informations introduced in the Star Chamber were proceeded with 'illegally' by the method *pro confesso*<sup>6</sup>; that their

<sup>5</sup> S.P.D. 16 / 471 / 36, 37. D'ewes p. 4. These were actually petitions from the wives of Burton and Bastwicke, as this duo was still incarcerated. The petitions were presented by John Pym. The notorious reputations of Burton and Bastwicke are discussed on pp. 91 - 93.

<sup>6</sup> *pro confesso* is a motion made by the plaintiff to have

censure and punishment was excessive; and that the order to change their location of imprisonment was done by an unjustified authority. The debate which followed is interesting because it shows some opposition to these petitions. Sir Thomas Jermyn, Comptroller of the Household, and M.P. for Bury St. Edmunds argued that Charles I should be consulted before this subject was broached.<sup>7</sup> Next, Sir Henry Vane, Treasurer of the Household, Secretary of State, and M.P. for Wilton was asked whether Burton and Bastwicke were detained by an order of Council or by their Star Chamber sentences.<sup>8</sup> John Hampden, M.P. for Buckinghamshire, hoped that such a discussion would not offend the King since the House's intention was only to accept the petitions.<sup>9</sup> The argument was superfluous, as pointed out by Edward King, M.P. for Melcombe Regis, because "his Majesty has been pleased to give us full power and authority to look into the grievances of the Kingdome."<sup>10</sup> This satisfied the House because it passed a unanimous resolution to have Burton and Bastwicke sent for,

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<sup>6</sup> (cont'd) the hearing take place at once because the defendant persistantly refused to put in a satisfactory answer.

<sup>7</sup> D'Ewes p. 4; Keeler p. 234

<sup>8</sup> D'Ewes p. 4; Keeler p. 370. They were originally sentenced in Star Chamber but later moved to different prisons by an order of council. Although the Star Chamber and King's Council usually consisted of similar membership they had different jurisdictions and the Commons was concerned whether the Council had exceeded its judicial boundary by changing the original Star Chamber decree.

<sup>9</sup> D'Ewes p. 4; Keeler p. 201.

<sup>10</sup> D'Ewes p. 4; Keeler p. 240. Keeler points out that King was noted for his opposition to any abuses of power. King was a bencher of the Inner Temple.

in order that they could defend their own causes in Parliament.

The House of Commons then continued its inquiry into grievances in general. Harbottle Grimston, M.P. for Colchester, a lawyer and stern critic of the government, made an attack on the policies of the government of Charles I in the 1630's.<sup>11</sup> Amongst his concerns for 'repaire' was a call for a reformation of the Court of Star Chamber. Similiarly, John Pym, M.P. for Tavistock, made a general attack on the grievances of the 1630's.<sup>12</sup> Pym's speech concerned four grievances in general, which were: religion; policy concerning the courts of justice; breach of privelege in Parliament; and military matters. Under the second heading he listed "Arbitrary proceedings of courts of justice; law and precedent were nothing, expunging of matters, all defence of the subject taken away for the dissolution of the Kingdome."<sup>13</sup> Geoffry Palmer, M.P. for Stamford, and Sir Thomas Peyton, M.P. for Sandwich, elaborated on Pym's speech, stating that these courts were the courts of Star Chamber, Requests, and the Constables and Marshalls.<sup>14</sup> These speeches illustrate the Star Chamber's jurisdiction being one of the grievances of the Commons. However, it should be noted that it was only one

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<sup>11</sup> D'Ewes pp. 4; Keeler pp. 199. Not to be confused with his father, Sir Harbottle Grimston who was a M.P. for Harwich in the Long Parliament.

<sup>12</sup> *Stuart Const.* pp. 189 - 191.

<sup>13</sup> *Ibid.* p. 190.

<sup>14</sup> D'Ewes pp. 9. The diaries of Peyton and Palmer have been added in Notestein's edition of D'Ewes diary.

of many grievances.

Their grievances prompted the House to examine these concerns in more detail. The committee, appointed on November 9, 1640 to hear the petition of Dr. Leighton, was also ordered to examine the excesses of the court.<sup>15</sup> D'Ewes' report of this petition notes, in particular, the alleged abuses of the sentence.<sup>16</sup> This brought on the petition of another Star Chamber 'victim', William Prynne. Afterwards William Strode, M.P. for Ilchester, commented that, " when one was in the King's disfavour then presently a bill was put in against him in the Star Chamber and then if he did not betraie himselfe hee must bee undone with a sentence for not answering."<sup>17</sup> Strode's attack on the court was undoubtedly influenced by his imprisonment from 1630 to 1640. He had been involved in the incident where the Speaker of the Commons had been forcibly held in his chair to prevent the adjournment of the Parliament in 1629. Strode initially was prosecuted in the Star Chamber but the case was referred to the Court of King's Bench which had imprisoned him until 1640. John Lilburne's petition was then delivered to the House by Oliver Cromwell, M.P. for Cambridge.<sup>18</sup> Cromwell's speech, introducing this petition,

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<sup>15</sup> C.J. II pp. 24. The committees jurisdiction and membership are listed below in the appendix pp. 144 - 146.

<sup>16</sup> D'Ewes p. 17.

<sup>17</sup> D'Ewes p. 18.

<sup>18</sup> C.J. II pp. 24 and D'Ewes pp. 18; Keeler pp. 148. This was Cromwell's first recorded speech in the Long Parliament. Cromwell was capable of understanding the legal significance of this petition as he was a member of Lincoln's Inn.



shows how Members of Parliament emphasised the punishment inflicted by the Star Chamber in order to rouse emotions.<sup>19</sup> Nalson comments on this petition saying, "The success of these petitions [Prynne and Burton] encouraged others, amongst the rest John Lilburne preferred one and is referred to the consideration of the committee for the examination of his [Leighton] case."<sup>20</sup> Peter Smart's petition, delivered on November 10, was referred to Leighton's Committee.<sup>21</sup> The House had quickly begun to examine petitions which involved severe punishments.

The committee for Grievances met November 20th to discuss the Courts of Justice in general. They appointed a sub-committee to discuss, "the arguments of the Star Chamber."<sup>22</sup> Palmer expands this statement by referring to a petition of a Mr. Faunt, concerning the Court of Star Chamber, which in turn was referred to a new committee, which was ordered, "to take into consideration the Court of Star Chamber and regulating it."<sup>23</sup> By their notes we can see that both Peyton and D'Ewes were members of this latter committee. This was the first committee appointed to inquire into the abuses and jurisdiction of the court.

On November 24, the first bill to reverse a decree of the Star Chamber was introduced and passed its first

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<sup>19</sup> D'Ewes p. 18.

<sup>20</sup> Nalson *Impartial Collections* pp. 512. Nalson's collection was edited in response to the supposed bias of Rusworth's Historical Collections.

<sup>21</sup> Smart's grievance lay against the Court of High Commission.

<sup>22</sup> D'Ewes p. 49.

<sup>23</sup> Ibid.

reading. This was aimed at reversing a decree made in Star Chamber and Chancery concerning Sir Arnold Herbert, Knight, Plaintiff vs Lownes et al., defendants.<sup>24</sup> Later, Sir John Strangways, M.P. for Weymouth, proposed that the House consider three heads: ship money; proclamations; and that the Star Chamber may not be without limits.<sup>25</sup> In referring to this, Peyton said, "The Star Chamber ought to take noe cognizance, where by law gives a particular punishment, etc.," inferring that the Court was known to exceed its bounds.<sup>26</sup> Burton and Prynne, on November 30, were allowed to take copies of the original petitions introduced on their behalf in order to enlarge upon them.<sup>27</sup> Richard Chambers' petition was preferred on December 2 and listed a number of common grievances. These included tonnage and poundage, censure in the Star Chamber, and ship money. A committee was established to consider his petition as well as one from Mr. Vassals.<sup>28</sup> The petitions of Prynne and Burton were brought forward on December 3, the same as others relevant to this case from Calvin Bruin, Peter Lee, Richard Tolburne, and Nathaniel Wickens. Sir Arthur Ingram, M.P. for Callington, moved to have the proceedings in the Star Chamber referred to one committee and the part dealing

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<sup>24</sup> C.J. II p. 35. This was a private motion.

<sup>25</sup> D'Ewes pp. 63. Strangways was initially one of the Parliamentary reformers but by December 1641 was listed as being for the King's cause. (Keeler pps 353 - 354).

<sup>26</sup> D'Ewes p. 64.

<sup>27</sup> C.J. II p. 40. These were the petitions introduced on their behalf on November 7.

<sup>28</sup> C.J. II pp. 43 and D'Ewes pps 93 - 94. For a review of Chambers' case in 1628 - 1629 see pp. 76 - 79. Chambers case is treated in depth in *P.B.* pp. 76 - 77, 88, 123.

with the High Commission to another.<sup>29</sup> This would have undoubtedly benefitted the Star Chamber because of people's fear of the High Commission and its religious jurisdiction and relationship with the Archbishop of Canterbury, William Laud. But the majority of the House decided that all of these cases concerned ecclesiastical matters and consequently should be referred to a single committee.<sup>30</sup> A committee of 47 was named to receive these petitions, or any of a like nature, and to consider the abuses and jurisdiction of the High Commission and Star Chamber courts.<sup>31</sup> They met for the first time on December 9 to discuss the sentence imposed upon Prynne by the Star Chamber.

The first month of the Parliament in 1640 passed with a flurry of debate and, to a lesser extent, activity, but what had it actually accomplished? Grievances against the Star Chamber had been heightened by the stream of petitions against it. Clarendon comments on these early proceedings claiming, "then they [?] caused petitions to be everyday presented by some who had been grieved by any severe sentence."<sup>32</sup> The first two petitions were obviously planned to be presented to Parliament prior to its sitting. That they appeared on the second working day appears to be evidence in itself. Pym, who introduced them, may have seen

<sup>29</sup> D'Ewes p. 102; Keeler p. 229.

<sup>30</sup> D'Ewes p. 102

<sup>31</sup> C.J. II pp. 44. Expanded, by three, to fifty on March 11, 1641. This committee and its membership and jurisdiction is in appendix pp. 149 - 150.

<sup>32</sup> Clarendon *History of the Rebellion* p. 239.



the advantage of submitting two of the most noteworthy cases of the past decade.<sup>33</sup> Following this success many others saw the advantage in presenting their petitions to Parliament and in so doing augmented what would become a growing negative image of the court. In addition, this image focussed on the procedure and powers of Star Chamber.

On December 15, the jurisdiction committee met to discuss Prynne's petition.<sup>34</sup> They examined parts of his case and found the proceedings against him were unjust, not due to the evidence but rather owing to the involvement of Laud. John Bastwicke brought forward his petition on December 17 and another committee was formed to hear his case.<sup>35</sup> The jurisdiction committee met on December 19, 22, 23, and 29 and found the proceedings against both Burton and Prynne illegal and unjust.<sup>36</sup> On December 29, Bastwicke's petition was referred to the jurisdiction committee. The success of declaring the sentences of Burton and Prynne to be unjust was influenced by the nature of the court's punishment.

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<sup>33</sup> For a new interpretation on the 'traditional view' that the Parliament was united from the first, under the leadership of John Pym. See Sheila Lambert, "The opening of the Long Parliament" in H. J., XXVII (1984), 265 - 287.

<sup>34</sup> For simplification Prynne's, Burton's, Wicken's, etc committee has been entitled the 'jurisdiction committee' because it was also to examine the jurisdictions of the High Commission and Star Chamber.

<sup>35</sup> D'Ewes pp. 163. See appendix pp. 147 - 148 for the committee's jurisdiction and membership. This petition is reprinted in S.P.D. 16 / 473 / 37. This is his second petition and does not vary greatly from the one presented on his behalf by his wife in S.P.D. 16 / 471 / 37.

<sup>36</sup> D'Ewes pps 173, 180 - 182, 186 - 187, 194 - 195.

On January 12, Sir John Hotham, M.P. for Beverly, delivered a report which tabled all unnecessary committees. However, all committees dealing with Star Chamber matters were allowed to continue including those examining the breach of privileges of the House and Members of Parliament, the jurisdictions of the Star Chamber and the High Commission Court, and the courts of justice.<sup>37</sup> On January 13 and 15 the jurisdiction committee met and on the latter date found Bastwicke to have suffered unjustly in both the High Commission and Star Chamber courts.<sup>38</sup> This committee met on the 25th to debate the jurisdiction of the High Commission and Star Chamber. D'Ewes commented,

"that doubtless all the power of that court [Star Chamber] took its first and originall beginning by the statute de a 3 H. 7., and whatsoever they have done which is not warranted by the statute, is extrajudicial and against the law: unless it bee warranted by the power of the counsell table. And that power is indeed very ancient but it is extant upon several recordes how in all ages almost, it exceeded its bounds and rights, and how it was checked and resisted."<sup>39</sup>

This appears to be the official position of the committee, and it was maintained by the court's detractors because they felt it was necessary to make it appear that the Star

<sup>37</sup> C.J. II pp. 66. The jurisdiction committee was also ordered to 'examine the proclamations'.

<sup>38</sup> D'Ewes p. 295.

<sup>39</sup> Ibid. p. 276.

Chamber had exceeded its legal bounds, i.e. by linking its foundation to the statute 3 Henry VII c. 1. D'Ewes's interesting account manipulates the truth since he insinuates that the King's Council was corrupt and had illegally empowered the Star Chamber. It is important to remember that this mistaken view permeated a majority of this committee and later, the Commons.

Grievances against the Star Chamber continued to emerge and on January 28 Meredith Scruggs submitted his petition which complained of an exorbitant Star Chamber fine.<sup>40</sup> A day later, John Levet's petition was referred to the jurisdiction committee, but it was more concerned with discussing the cases of Burton, Bastwicke, and Prynne, and in particular what damages should be awarded.<sup>41</sup> Three weeks later, the petition of many freeholders of London was referred to this same committee, which was now examining what might be termed as a cross-section of alleged Star Chamber abuses.

The jurisdiction committee began to report its findings to the Commons on February 24, 1641. Alexander Rigby, M.P. for Wigan, reported Bastwicke's case and, following the committee's example, the House called for a reversal of his sentence due to its illegality and its repression of the liberty of the subject.<sup>42</sup> On March 2, the House declared that all those who voted against Bastwicke

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<sup>40</sup> Ibid p. 295.

<sup>41</sup> Ibid. pp. 298, 305

<sup>42</sup> C.J. II pps 90 and 92, D'Ewes pps 399 - 401. Rigby was a member of Gray's Inn (Keeler pp. 323).

in the Star Chamber were responsible for the damages accruing. This point was referred back to the committee, so that a bill could be prepared to consider whether the heirs of the judges should be liable for the "extortion, oppression, or injustice caused."<sup>43</sup> On March 10 and 16, the House voted on the proceedings against Michael Sparkes and Burton.<sup>44</sup> On the latter date, the Commons ordered the jurisdiction committee to prepare one or more bills to regulate the Star Chamber, High Commission and Council table.<sup>45</sup> The House was beginning to take official action against the Star Chamber.

On March 26 the Commons gave a first reading to a bill, "to declare and regulate the power of the Star Chamber and Council table."<sup>46</sup> On March 30 the House had its first reading of a bill entitled, "The reforming of the unlawful acts and proceedings of the King's Council, and the Court commonly called the Star Chamber," and on April 1 this bill received its second reading and was committed.<sup>47</sup> H.E.I. Phillips calls the introduction of this bill a 'curious thing', apparently feeling that the two bills covered the same thing, but actually they did not.<sup>48</sup> The

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<sup>43</sup> C.J. II p. 95.

<sup>44</sup> Sparkes was the printer of Prynne's *Histriomastix* D'Ewes pp. 470 - 471, 495 - 496.

<sup>45</sup> C.J. II p. 105.

<sup>46</sup> D'Ewes pp. 113. Notestein's edition of D'Ewes diary ends on March 20, 1641 so the actual manuscripts are now used.

<sup>47</sup> C.J. II pps 114, 115. D'Ewes says the bill was rushed through its second reading in an attempt to link it to the subsidies bill, when they were to be sent to the Lords. (Harley 162 f. 391)

<sup>48</sup> H.E.I. Phillips M.A. Thesis *The Court of Star Chamber 1603 1641* p. 164.

two bills result directly from the investigations of the committee of Prynne and Burton. The original committee was ordered to examine petitions concerning two main themes, grievances against the sentences of Star Chamber and High Commission, and secondly, their jurisdictions. These two bills can be seen to result from the work of this committee, but it is not surprising that on April 2 the House ordered the committee of Prynne and Burton to, "take into consideration the two bills and make one bill out of both," since they would be contrived by the same committee anyway.<sup>49</sup> D'Ewes wanted the two bills to be amalgamated to expedite their processing.

Intermingling with the committee's examination of the bill was the Commons' program of resolutions and orders concerning individual Star Chamber sentences. The House considered Dr. Leighton's case on April 9 and 21, Prynne's case on April 14 and 20, and Lilburne's on May 4. These three sentences were condemned and declared illegal.<sup>50</sup> They also ordered the Barons of the Exchequer "to supersede and stay the process" against Bastwicke, Burton, Prynne and Chambers.<sup>51</sup> The Commons followed this with two actions: first, they attempted to transmit these cases to the Lords; and second, they formed a new committee to view the precedents set by the Star Chamber in imposing its enormous sentences.<sup>52</sup> The Commons had now declared the most

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<sup>49</sup> C.J. II p. 115.

<sup>50</sup> Ibid. pp. 117, 120, 123, 124, 134.

<sup>51</sup> Ibid. pp. 122, 125.

<sup>52</sup> Ibid pp. 134. They were primarily concerned with the



unpopular Star Chamber sentences and judgements illegal. They had proceeded quickly, which suggests a lack of opposition, and their examination and rulings undoubtedly affected the next stage of the Star Chamber bill.

On May 31 Edmund Prideaux, M.P. for Lyme Regis, reported the bill for the Star Chamber and Council Board.<sup>53</sup> The Commons Journal's report refers simply to the reading and ingrossing of some unspecified amendments. However, several diaries and diurnals refer to a bill proposed in the Commons, "for regulating the King's Council and taking away the Court commonly called the Star Chamber."<sup>54</sup> The Commons' Journal, the official source, merely mentions amendments but these actually made a fundamental change, from regulating the Star Chamber to abolishing it. This change must have occurred after May 10, because on that day the Commons voted in favour of the proposition that Bishops should neither have a vote in Parliament, nor exercise judicial authority in the Star Chamber - the abolition of which apparently was not anticipated.<sup>55</sup> Before the Speaker could put the question for ingrossing the bill, a debate broke out. John Coventry, M.P. for Evesham, pointed out that the committee had exceeded its bounds in making this change.<sup>56</sup> D'Ewes

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<sup>52</sup> (cont'd) cases of Lilburne, Bastwicke, and Leighton.

<sup>53</sup> Keeler pp. 315. Prideaux was a member of the bar of the Inner Temple.

<sup>54</sup> Harley 163 f.635; Harley 477 May 31 (Moore's Diary); Sloane 1467 May 31 (Diurnal); Additional 6521 f.175.

<sup>55</sup> P.B. p. 135.

<sup>56</sup> Harley ms.163 f.635; Keeler pps 143 - 144. Coventry was a member of the Inner temple, and as Keeler points out was

defended the committee, by answering,

"that if the order weere general to make one good bill out of two, and the irregularities of that court had been soe extreame as that could mee noe more moderatinge of them, then the committee must either have extinguisht and abolisht that court or they could never have performed the order by making a good bill. And admittingly the order itselke had onlie extended to have regulated the Starre Chamber and Counsell Table, as long as it leaves the latter and onlie abolisheth the first they had not transgress the limits and bounds of that order. For all who know anything in antiquitie cannot bee ignorant but the Star Chamber is a meere branch of the counsell table, the principle stands safe, wee onlie remove the Accesserie. Nay the substance will consist alone though accident bee taken away."<sup>57</sup>

Clarendon quotes an unnamed person, who suggested,

"that the remedies provided by that bill were not proportionable to the diseases; that the usurpations of that court were not less in the forms of their proceedings than in the matter upon which they proceeded, in so much that in the course of the court (which is the role of their judging) was so much corrupted that the grievance was as

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<sup>56</sup> (cont'd) known for his grasp of Parliamentary proceedings.

<sup>57</sup> Harley ms. 163 f. 635v.

much in those cases of which they had a proper conusance, as by their excess in holding pleas of that in which in truth they had no jurisdiction and therefore he conceived, the proper and most natural cure for that mischief would be utterly to abolish that court, which was very difficult, if not impossible, to regulate, and in place thereof to erect and establish such a jurisdiction as might be thought necessary."<sup>58</sup>

These speeches satisfied the majority of the House of Commons because they subsequently ordered the amendments to be ingrossed.

It is not surprising that the Commons now accepted this radically changed bill because the proceedings relating to Prynne, Bastwicke, Leighton, Burton, and Lilburne had clearly affected the sentiments of the Commons. The examination of their grievances focussed on the court's sentences, which is evident by looking at the Commons' Journal and D'Ewes's diary. Their punishment was seen by the House to be harsh and illegal.<sup>59</sup> Consequently, when it came time to regulate the court, the only solution the Commons would allow was to abolish it. An unidentified quote appropriately sums up the Commons reasoning; it says, 'Justice must not only be done but also be seen to be

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<sup>58</sup> Clarendon H.R. p. 374.

<sup>59</sup> T.G. Barnes "Star Chamber Mythology" has shown the court was not 1) an extra legal tribunal or 2) a perpetrator of harsh and cruel punishments.



done'.<sup>60</sup> On June 8 the Commons gave the Star Chamber bill its third reading and a day later this bill, accompanied by the subsidy and High Commission bills, was carried to the House of Lords.

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<sup>60</sup> I mean to suggest that the Common's perception of the Court's punishment influenced its decision to abolish the court. I would agree with Barnes that this court cannot be critized, or lauded, on the criterion of its popularity.

**The House of Lords from November 7, 1640 to June 25, 1641.**

Records of the House of Lords for the Long Parliament are sorely lacking in comparison with those available for the House of Commons. Phillips in his M.A. thesis, "The Court of Star Chamber, 1603 - 1641" almost entirely neglects the Lords, giving the impression that they played an insignificant role in the proceedings against the court. However, a simple glance at the surviving records shows that this is not the case.

On January 4, the first committee of the Lords instructed to examine the Court of Star Chamber was set up.<sup>61</sup> It was appointed to examine the proceedings in the Star Chamber against Richard Wiseman. This case was a significant event because it is mentioned in both Lord Montagu's diary and the "Notes of proceedings in the House of Lords."<sup>62</sup> Montagu mentions that Wiseman was called before the Lords and related the miseries he had endured in the Fleet due to a Star Chamber sentence.<sup>63</sup> Montagu adds an interesting note about Wiseman saying, "he moved so much

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<sup>61</sup> L.J. IV pp. 124. The committee "to examine all abuses of matters of imprisonment and also to examine all other courts of justice" was formed on November 26. Little is known about this committee due to the lack of records but any examination of the Star Chamber must have one time or another been brought before it.

<sup>62</sup> Montagu's diary is in Historical Manuscript Commission, Buccleuch Manuscripts, iii pps 386 - 413. The "Notes of proceedings" is indexed in M.F. Bonds *Records of the House of Parliament* (London; H.M.S.O., 1971) p. 280. This is calendered as notes of the 3 November, 1641, 25 January, 24 March, and 2 Aug, 1641 but it actually covers more days than that. These four dates are the only ones mentioned but they are by no means the only ones covered.

<sup>63</sup> See pp. 96 - 98.

compassion in us, especially the poor and beggarly array the man was in, that we fell into speech against the exorbitancy of the court, and chose a special committee to consider the proceedings thereof."<sup>64</sup> This committee was also instructed to "examine the institution and power of the Court of Star Chamber."<sup>65</sup> Both houses of Parliament were examining the Star Chamber at much the same time; consequently, the Lords must have been aware of the Commons discussions. On January 8 the House of Lords ordered the Attorney General and the King's council to enlighten them on the institution of the Star Chamber and its power.<sup>66</sup> They obviously wanted to obtain a balanced view of the Star Chamber's antiquity. Meanwhile, the petitions of Sir David and Henry Foulis were read on January 12 and referred to Wiseman's committee.<sup>67</sup> Similar action was taken with the case of Lambert Osbaldston on January 23. The cases of Wiseman and Sir David Foulis were discussed on January 25 and 27, and January 29, respectively.<sup>68</sup> Most regrettably, we do not know what was said, but the Lords were examining the exorbitance of the court and the legality of its actions.

On February 19 the Lords ordered that the opinions of Mr. Hales and Mr. Hackwell should be heard concerning the institution of the Star Chamber.<sup>69</sup> On March 4 Lord Andover

<sup>64</sup> H.M.C. Buccleuch Mss. p. 405.

<sup>65</sup> L.J. IV p. 124. The committee membership is reproduced in appendix pp. 152 - 153.

<sup>66</sup> H.M.C. IV p. 38.

<sup>67</sup> L.J. IV p. 129.

<sup>68</sup> Ibid. pp. 143, 146, 148.

<sup>69</sup> They were employed to search for precedents concerning the Star Chamber's antiquity. Sir Matthew Hale (1609 -

gave a speech, made famous by Rushworth, in which he called for the Star Chamber to be reduced by the hand that laid its foundation.<sup>70</sup> He reasoned that, "the statutes retained by Parliament, admit of no other than a repeal," and felt that the court was a "needless institution, made arbitrary judgements," and was the "great eclipse of the whole nobility."<sup>71</sup> He wanted a select committee formed to examine the court so that, "those who felt like him, that the court was a burden to the people, would join together in one supplication to disband it."<sup>72</sup> However his sentiments were not shared by the rest of the House because no action resulted. On this same day, the House ordered the 'committee for the Star Chamber' to hear Lambert Osbaldston's cause.<sup>73</sup> Ten days later the Star Chamber committee was postponed until after the trial of the Earl of Strafford.<sup>74</sup> Nonetheless, Osbaldston's cause was

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<sup>69</sup>(cont'd) 1676) Barrister of Lincoln's Inn, created a justice of the Common Pleas in 1654, *D.N.B.* vol VIII p. 902. He was called again before the House of Lords for his opinion in 1646 - 1647. He wrote, "When the Long Parliament came after intermission of Parliaments, and the grievance of the subjects by the reason thereof were very many and importunate, such a throng of complaints passed into Parliament, especially into the Lords House, as transported proceedings in that house beyond ancient and regular bounds thereof. Complaints of decrees, sentences and judgements came in a pace, and were promiscuously heard," E.F. Foster *The House of Lords* (Chapel Hill: The University of North Carolina Press, 1983) p. 105. William Hakewill (1574 - 1655) had been previously engaged, in 1621, by the House of Lords to study ways in which Parliament proceeded in the past; Foster Op. cit. p. 99

<sup>70</sup> R.H.C. Vol II 2 pp. 1359. Andover was called by writ to the House of Lords November 18, 1640.

<sup>71</sup> R.H.C. Vol II 2 p. 1360.

<sup>72</sup> Ibid.

<sup>73</sup> L.J. IV p. 175.

<sup>74</sup> Ibid. p. 185.

discussed on April 2 and 12.<sup>75</sup> On May 13 the Star Chamber committee reconvened to renew its examination of the court.<sup>76</sup> On the 29th of May the Lords called the King's counsel to appear at the bar to discuss both the jurisdiction and institution of the Star Chamber.<sup>77</sup> Whether the Lords ever heard the King's counsel is uncertain, but the House was interested in hearing all of the arguments concerning the Star Chamber, its proceedings and jurisdiction.

The Lords received the bill for regulating the Council Table and abolishing the Star Chamber from the Commons on June 9. Two days later the bill received its first reading. Later the Lords discussed the petition of Sir Pierce Crosby which they recommended to the Parliament in Ireland.<sup>78</sup> On June 17, the Lords spent most of the day discussing petitions or bills appertaining to the Star Chamber. First, two reports from the Lord's committee for petitions were read, which led to the release of two prisoners committed by the Star Chamber.<sup>79</sup> They then began debating the Star Chamber bill. Bishop Warner's diary relates the reasons for this bill, being "they [Star Chamber] meddled with the Liberty and property of persons which are only to be determined by the Common laws."<sup>80</sup> The Lord Privy Seal

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<sup>75</sup> Ibid. pp. 205, 214.

<sup>76</sup> Ibid. p. 248.

<sup>77</sup> Ibid. p. 260.

<sup>78</sup> See pp. 92 - 93.

<sup>79</sup> Braye Mss. 19, June 17.

<sup>80</sup> Harley 6424 f.73. See Conrad Russell "The authorship of the Bishop's diary" in B.I.H.R. (1968) pp. 229 - 236.

spoke, saying that there were only three abuses in the court which he would take away. These abuses were, "To bring the King a great deal of money by way of fine, for matter of revenge, and to protect unlawful grants."<sup>81</sup> The reasons for maintaining it as it stood were that, "It had *censuram morum, tutelum curiarum*, and granteth remedie unto such cases, wherein the common law cannot relieve."<sup>82</sup> The Lord Privy Seal also pointed out that the Star Chamber was *not* created or limited by the statute 3 Henry VII c.1 but had been created over 100 years earlier and that it had been part of the fundamental law since the time of Edward I and Edward II. After the Lord Privy Seal's speech, the Star Chamber bill passed its second reading and was referred to a committee of the whole House, to which Sir William Pennyman's petition was also referred.<sup>83</sup>

The Journal of the House of Lords tells us little about the debate of the whole House on June 21, but Braye Manuscript 19 does. The House first discussed the usefulness of the court, with some arguing that any crime punishable in that court was also punishable by the Common law in "a full and ample manner."<sup>84</sup> Secondly, they debated the court's antiquity; unfortunately, the manuscript is no more specific than this. Finally they debated, "whether the council table hath taken into its realm, unjustly or not,

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<sup>81</sup> Harley 6424. f. 73v.

<sup>82</sup> Ibid.

<sup>83</sup> L.J. IV p. 270.

<sup>84</sup> Braye Mss. 19, June 21.



the estates and liberties of the subject."<sup>85</sup> These questions were hotly debated but the Lords were unable to make any resolutions. The Lord's Journal mentions a debate on the Star Chamber bill on the following day, June 22, which resulted in 27 Lords being appointed to consider the exceptions to the bill.<sup>86</sup> Some recommendations must have been discussed because they were ready for the House the following day. The Lords again adjourned into a committee of the whole House to debate amendments and additions, of which only one is known. The King's Attorney put an amendment to the order that the King's Council should show and express a cause when committing people.<sup>87</sup> Following this, Justice Reeve and Justice Heath were ordered to draw up the reasons for these amendments, which were to be sent to the House of Commons.<sup>88</sup> On June 25, the Lords resolved to have a conference with the Commons concerning the changes.<sup>89</sup>

The Lords had concentrated on examining two areas of the Star Chamber, the court's antiquity and its jurisdiction. However, due to lack of documentation, little more is known about this period, which ended on June 25.

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<sup>85</sup> Ibid.

<sup>86</sup> L.J. IV p. 270.

<sup>87</sup> Braye Mss. 19, June 24.

<sup>88</sup> L.J. IV p. 284.

<sup>89</sup> Ibid. p. 289.



### The Long Parliament from June 25 to July 5, 1641.

The proceedings of both Houses of Parliament after June 25 are best reviewed concurrently. The material viewed in this period adds considerably to our knowledge and understanding of the sentiments of the Lords and bolsters the view that the Commons was prejudiced.

The conference requested by the Lords took place on June 26. This began the final stage of the Star Chamber bill and consequently, that of the court. The first conference was only a preliminary affair enabling the Earl of Bath, the chief spokesman for the Lords, to present the changes the Lords had made.<sup>90</sup> On Monday June 28, Prideaux reported the conference to the Commons where he explained the Lords' alterations.<sup>91</sup> D'Ewes comments that, "Divers of these amendments added to the Star Chamber bill we utterlie mislike."<sup>92</sup> D'Ewes was then called out of the House so there is no further explanation of his statement. These amendments are given in the "Notes of proceedings in the House of Lords", which show that the Lords disapproved of the part of the preamble which said, "But the sayd judges meaning of the court, have not kept themselves to the poynts limited by the said statutes, but laws under taken to punish where no such authority, and to inflict heavier punishment than by any law is warranted."<sup>93</sup> The Lords

<sup>90</sup> Harley 163 f. 744

<sup>91</sup> Ibid. f. 747.

<sup>92</sup> Ibid.

<sup>93</sup> "Notes of proceeding of the House of Lords" pp. 53. The exact date for this was ascertained as June 28 by comparing its proceedings with the Lords Journal.

disagreed with the view that "all offences not specifically mentioned in the Statute of 3 Henry VII were out of the Kings complaint."<sup>4</sup> The Commons, unlike the Lords, felt that this Act founded and thus limited the court. The only other material on this day comes from the Commons' Journal, which shows that one amendment was agreed upon which changed the abolition of the court from 'henceforth' to the '1st of August'. Other amendments were then twice read and then referred to a select committee of the Commons. <sup>5</sup>

On June 29, Prideaux reported the amendments which the House of Lords had made, and the Commons argued whether or not they were allowed to make changes to the Lords' amendments. D'Ewes felt that the Commons were not allowed to add anything to a bill once it had been sent to the Lords; however they could commend the Lords to insert something. The House of Commons proceeded to vote on several additions to the Lords amendments.<sup>6</sup> D'Ewes journal records that the major dispute on the amendments concerned the King's Council. Earlier debates had discussed the dissolution of the Star Chamber and its jurisdiction. The Commons on the 29th began debating an addition to the Lords' amendment, "that the Lords of the counsell should onlie have power to commit men where by law they might and weere also to express cause of the said commitment in their warrant."<sup>7</sup> In the afternoon the Commons wished to add a

<sup>4</sup> "Notes of Proceedings" p. 53.

<sup>5</sup> C.J. II p. 191.

<sup>6</sup> Harley 163 f. 748.

<sup>7</sup> Harley 163 f. 749.

qualifying statement that said, "in any other court or courts whatsoever."<sup>98</sup> This addition appears to have been further clarified by the Lords who felt this bill should only be extended to "the Council in the Marches, Council in the Northern parts, Court of the Dutchy of Lancaster, Court of Exchequer of the County Palatine of Chester and all courts of like jurisdiction to be hereafter erected, ordained, constituted, or appointed."<sup>99</sup>

On the 30th, the debate in the Commons concerning the Council Table reappeared. That noted radical firebrand Henry Marten disrupted this debate with an inappropriate remark proposing to abolish altogether the council table.<sup>100</sup> D'Ewes said that "these last words gave offence to many" and that "all unwarrantable actions of counsel should bee redressed to the proper channels but for the ancient honor and rights of the table, which are inherent to the King, he shall never assent to have it taken from them."<sup>101</sup> D'Ewes records the opinions of four different groups of members of the Commons' concerning this debate. One was led by John Maynard, M.P. for Totnes, who wanted to add this clause and have it passed rather than hazard the whole bill.<sup>102</sup> Another group was led by Denzil Holles who felt it would be better to lose the bill rather than let this clause pass. The third group wanted to have the clause

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<sup>98</sup> C.J. II p. 92.

<sup>99</sup> Statutes of the Realm 16 Car 1 c. 10.

<sup>100</sup> Most likely Henry Martin M.P. for Berkshire. Keeler pp. 267.

<sup>101</sup> Harley 163 f. 749v.

<sup>102</sup> Keeler p. 271.

concerning liberties left out. Finally, there were those who wanted the words "statutes of the realm" put in instead of "lawes".<sup>103</sup> D'Ewes says that they voted for this position but it did not make it into the final Act. They debated whether or not the council could commit a man, or have "governance over his liberty." The Commons proceeded to discuss further amendments and voted on nine but only four of them bear mention. First, "that any writ of *habeus corpus* bee sent to sheriffs." Second, "that all people committed contrary to this bill shall have an *habeus corpus* for ordinary fees," and that "they have to give bond to carry back prisoners who are to be reexamined." Thirdly, "the cause of detainer was inforced to be clarified within 3 days." Lastly, they put in a clause dealing with the writ of *habeus corpus* showing that "the triple damages could only be claimed if the grievance was wilfully done."<sup>104</sup>

The House of Lords discussed the cause of Sir Pierce Crosby on June 30.<sup>105</sup> In the afternoon, both Houses met in a joint conference which was long, but eventually, "the Lords agreed to most of the amendments and alterations wee [the Commons] added to their amendments."<sup>106</sup> On July 1st the Commons began by discussing the petition of Sir William Faunt. The case against the Star Chamber was probably assisted by the discussion of the Faunt grievance. The Commons set about resolving the major outstanding problem.

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<sup>103</sup> Ibid. f. 750.

<sup>104</sup> C.J. II p. 193.

<sup>105</sup> L.J. IV p. 294. See below pp. 98 - 99.

<sup>106</sup> Harley 163 f. 751.

This problem concerned the power of the Lords of the Council over mens' liberties, and it was resolved when the House voted 125 in favour of leaving it out and 91 for leaving it in.<sup>107</sup> It appears that this was a concession to the Lords, "so that all our [House of Commons] additions made upon it [the Star Chamber bill] might be spared."<sup>108</sup> This was hotly debated in the Commons by many who felt that in debating the word liberties they would "recede from our liberties and deprive ourselves of them."<sup>109</sup> D'Ewes refutes the argument for the final decision saying,

"if that I saw this debate did choislle grow upon mistakings as the question weere whether wee should lose or keepe the liberties of our person: which particular if it were now in truth in controversie. I hope ther would not bee one affirmative for the leaving out of this worde but all negative. The question now in debate amongst us is therefore but singlie this whether wee shall at all prejudice the ancient and just freedome of our persone from imprisonment if we leave out this worde at his time: and I think clearlie wee should not for [?]*libertatem* if not [?] a *libertatem*. Besides, it is but a misconcit that there is noo other libertie but of person. For in Magna Carta wee shall find but one chapter, I confes the chapters are but

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<sup>107</sup> C.J. II p. 195.

<sup>108</sup> Harley 163 f. 753v.

<sup>109</sup> Ibid.

latelie adeed. I may say therfore but one paragraph which concerns the libertie of our person: The rest concerne the libertie of our estates, goods and lands. Soo although the Lords desire wee should leave out the worde liberties, yet they assent to the declaration of our liberties in respect of our estates, goods and lands, that the counsell table shall not at all intermeddle with them. So as they leave us our or *lorminum*, the style or appellation onlie, but grant us *rem and libertatem*. Besides wee parte from nothing by leaving out this word, nay wee have the freedom of persons not onlie still asserted not onlie in Magna Carta of Rummede granted by King John and Magna Carta of William the first in the roll booke of the Exchequer but in the petiton alsoe. and if the Lords shall imprison anie man contrarie to law, which shall tend to the subversion therof and of the liberties of the subjects of England, we have a good president in the argument given against the late Earle of Strafford to [???] by. Besides to speak my conscience freelie according to that little I know, I think this worde weere better to be left out than to be continued in with soo many [???] and ambiquities as weere before added to the bill explanation of it; which as it made the matter unsure for the Lords of the Counsell who are [few?]



of them guiltie of the knowledge of the lawes, soo  
 id did implie some other power to bee in them than  
 in truth they have. I desire therefore that wee may  
 assent to them leaving out this word liberty as to  
 a matter of noo reall consequence and that bill may  
 be returned by up to the Lord that so it may have a  
 goode passage."<sup>110</sup>

When one examines the original act, one sees, in section  
 III Part I, the words concerning liberties are omitted and  
 the successive five lines were erased. The Commons' Journal  
 interestingly says that the reason the House assented to  
 this amendment was, "the House has appointed a bill to be  
 drawn to provide for the liberty of the subject in a large  
 manner."<sup>111</sup> Meanwhile, the House passed a resolution, "that  
 neither the body of the Lords of the Council, nor any one  
 of them in particular, as a King's Counsellor, has any  
 power to imprison any free born subject, except in such  
 cases as they are warranted by the realm."<sup>112</sup>

In the Lords, the Bishop of Lincoln, John Williams,  
 made a report of the previous day's free conference with  
 the Commons concerning the Star Chamber.<sup>113</sup> Then it was  
 ordered, that at a free conference between both houses, "no  
 Lord may argue against the sense of the House tho' in the  
 House he was of a different mind; and this he in the point  
 of the counsell table of state committing to prison the L.

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<sup>110</sup> Harley 163 f. 753v.

<sup>111</sup> C.J. II p. 195.

<sup>112</sup> Ibid.

<sup>113</sup> L.J. IV p. 290.



Roberts argued against the Lord Saye and the sense of the House."<sup>114</sup> It is clear that not only were there still vast differences of opinion within the Lords but also that feelings were running high.<sup>115</sup>

Differences of opinion not only existed within the House of Lords but between the two Houses of Parliament. Sidney Bere, in a letter to Sir John Pennington, comments that there was still a major division between the two Houses. He wrote that, "there was a motion to divide the bill into two because the Lords would not easily let go anything concerning the other."<sup>116</sup> Rushworth comments that even at this late date, the Lords did not want the Star Chamber dissolved but wanted it limited to the power it had in Henry VII's time.<sup>117</sup> However, on July 2 the Lords relented and passed the bill, "for regulating the council board and taking away the Star Chamber."<sup>118</sup> This bill was passed but clearly not unanimously. The bill was sent to the Commons and the amendments and additions were twice read and then upon the question, assented to. The bill was ordered to be amended accordingly and, upon a second question, provisoes were ordered to be ingrossed.

On July 3 the Commons interrupted its debate on the impeachment of the judges when they were informed that the

<sup>114</sup> Harley 6424 f. 78.

<sup>115</sup> A. Fletcher *The Outbreak of the English Civil War* pp. 73 - 74. He points out the running battle, during June, between the Earl of Manchester, on one side, and Lord Saye and the Earl of Essex, on the other.

<sup>116</sup> S.P.D. 16 / 482 / 3.

<sup>117</sup> R.H.C. Vol III 1 p. 304.

<sup>118</sup> L.J. IV p. 298.

King would be in the House of Lords at ten o'clock. Whereupon, D'Ewes tells, "the Commons laid aside their present concern to pass the amendments in those three bills [Poll money, High Commission, and Star Chamber] ensuing which the Lords had added to them."<sup>119</sup> Mr. Capell was chosen to go to the Lords but the Commons' Journal does not tell us the contents of the message. D'Ewes comments, "Mr. Capell did little mistake the message and desired the Lords to send away some members of their howse to his majestie to desire him to give his royal assent to the two bills touching the Star Chamber and High Commission court. Whereas he should onlie have moved them in general to have desired it of his majestie."<sup>120</sup> Several Lords then informed his Majesty, who responded by telling Parliament, "he would pass the Poll money bill but wait until Tuesday next to pass the other two."<sup>121</sup> The Commons were disturbed over this message, which indicates that Capell had not mistaken his message. Surprisingly, Pym, amongst others<sup>122</sup>, felt that Charles was justified in taking his position. Nonetheless, the Commons quickly passed a resolution asking the Lords,

"to desire his Majestie [to] supersede his coming to the howse this morning and that hee would bee in pleasure to consider of the other two bills before

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<sup>119</sup> Harley 163 f. 758.

<sup>120</sup> Ibid. f. 743v.

<sup>121</sup> Ibid. f. 375

<sup>122</sup> Apparently Yorkshire men who were anxious for money to payoff the armies in their counties.

hee gave his royal assent to the first that soo they might pass all three together. for he would bee so farre from retarding the paiment of the Poll-monie as it would moore advance it, moore if all three bills should passe together on Tuesday next, then if one should pas singlie now and the other two then."<sup>123</sup>

This clearly was a threat, as the Commons were in effect attempting to have their grievances redressed prior to the granting of the poll-money. The House sent their message to the Lords, who returned the answer of Charles, "that he would give his own answer that afternoon."<sup>124</sup> When the King arrived, he passed the Poll money Bill but, "for the other two bills, his majesty said, in regard he had not considered of them, being bills of great consequence, he would inform himself concerning the particulars, and return an answer within a few days."<sup>125</sup> The King was totally within his rights to do so.

Over the weekend, Charles was under considerable pressure. When the Commons met on Monday, they made no motions until they were called before the Lords.<sup>126</sup> Charles rebuked Parliament by, "commemorating all he had granted this Parliament then marvelling the they would not give him a days time to peruse such things as had been devised by

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<sup>123</sup> Harley 163 f. 759. This writing is in a handwriting other than D'Ewes.

<sup>124</sup> C.J. II p. 198.

<sup>125</sup> L.J. p. 299.

<sup>126</sup> Harley 163 f. 760v.

wise predecessors and continued so long."<sup>127</sup> Then Charles gave his assent to the Star Chamber and High Commisison Bills.<sup>128</sup> Whereupon he called upon them to think of him as he thought of them and end this session of Parliament. Charles had little choice in finally passing this bill, due to his need for money. The Commons, knowing this, tried to force the passing of this bill but Charles stymied them by delaying his royal assent. Nonetheless he passed the bill, now an act, and lost another battle to the Commons.

The Star Chamber had now been abolished by the Long Parliament. The impetus from this move had come from the House of Commons, but to a lesser degree the House of Lords were also involved. However, no clear reason for the dissolution of the Court can be discerned. To understand what ultimately influenced them, we must examine the Star Chamber cases which the Long Parliament itself reviewed.

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<sup>127</sup> Harley 6424 f. 80.

<sup>128</sup> This was almost the sister court to the Star Chamber.

## V. Influential Cases

In explaining the reasons for the dissolution of the Star Chamber, it is important to examine those cases brought before the Long Parliament which probably influenced their attitude to the court. The Long Parliament was concerned with examining greivances which had occurred in the court since the previous Parliament in 1629.<sup>1</sup> Many cases were considered and some of the most important ones are reviewed briefly below. Roughly 95 per cent of all actions examined by Parliament concerning the Star Chamber were brought forward initially by petition. When one examines the time consumed in examining the proceedings of the Long Parliament, it becomes apparent that of the 49 surviving petitions 12 of them consumed about ninety per cent of parliament's time. In other words, their importance was stressed because of the large amount of material available on them. Interestingly, these are also the most notorious cases of the preceding 12 years.

Naturally Parliament would likely be particularly concerned with Star Chamber cases involving one of its own members, and one such case was that of Walter Long, sheriff of Wiltshire and M.P. for Bath during 1628 - 1629, which was examined in committee on March 16, 1641.<sup>2</sup> After the first session of Parliament in 1628, the Attorney General had charged Long with violating his sheriff's oath by

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<sup>1</sup> This excludes the ineffectual Short Parliament which met briefly from April 13 to May 5, 1640.

<sup>2</sup> D'Ewes p. 470.

absenting himself from his county.<sup>3</sup> M.F. Keeler indicates that Long had originally been appointed to his shreivalty in an attempt to prevent his sitting in the Parliament of 1628, because he had spoken in the 1626 Parliament against granting supply and in 1627 he had declined to lend money to the King.<sup>4</sup> Nonetheless, in 1628 Long had evaded "the well known rule that sheriffs could not return themselves to Parliament by getting himself chosen for a constituency in Somerset, in which he owned property."<sup>5</sup> On May 7, 1629, a second charge was laid against Long in the Star Chamber. An information was filed against Long, William Stroud, John Seldon, Sir John Eliot, Denzil Holles, Benjamin Valentine and three others concerning their conduct in the House of Commons on the previous February 25.<sup>6</sup> This dealt with the incident on March 2 when these members lead the House of Commons to refuse to acknowledge the Black Rod's summons call to the House of Lords to hear the King's dissolution.<sup>7</sup> Because this case involved some highly political actions, the Star Chamber allowed the case to lapse during its vacation, it being unwilling to accept jurisdiction. The proceedings against this group were therefore transferred to the King's Bench and they were all denied a writ of habeus corpus. Chief Justice Hyde told the prisoners that bail would be forthcoming if they provided

<sup>3</sup> *State Trials* pp. 234-235.

<sup>4</sup> Keeler p. 257, S.P.D. 16 / 29 / 13, 16 / 80 / 33.

<sup>5</sup> Keeler, p. 257.

<sup>6</sup> S.P.D. 16 / 162 / 36.

<sup>7</sup> *Stuart Const.* p. 28, 54. Kenyon *Stuart England* 2nd Ed. pp. 113 - 114.



surety for good behaviour. Long agreed initially until he found that he would be bound to a bond of £2,000, whereupon he refused and was removed to the custody of the Marshall of the Fleet. This case against Long was dropped but in the Hilary term of 1629, the initial case against Long came to a hearing.<sup>8</sup> After examining the evidence the court found him guilty and resolved to make an example of him so that "sheriffs of all other counties may be deterred from committing the like offence hereafter, and may take notice, that their personal residence and attendance is required within their bailiffwicks during the time of their sheriffwick."<sup>9</sup> The court sentenced Long to make submission and acknowledgment of his offence to the Court of Star Chamber and to the King. His properties were sequestered to pay his fines but Long alleged they were already in the hands of trustees for the purpose of settling debts, but "the Barons of the Exchequer declared the lease to be in trust and said feofees should stand to the King until paid off."<sup>10</sup> The court ordered that John Ashburnham should be allowed to collect £200 of the fine each year until the full amount had been paid.<sup>11</sup> Long was released to visit his sick wife in 1631 but he was not finally released until the summer of 1633.<sup>12</sup> In 1638 he completed paying his fine.<sup>13</sup> Long's case was discussed by a committee of the Commons on

<sup>8</sup> R.H.C. Vol I p. 684.

<sup>9</sup> Ibid. p. 686.

<sup>10</sup> D'Ewes pp. 495 - 496.

<sup>11</sup> Ibid. M.P. for Hastings in the Long Parliament.

<sup>12</sup> S.P.D. 16 / 189 / 91 and Keeler p. 257.

<sup>13</sup> S.P.D. 16 / 389 / 82.



March 16, 1641 but nothing was resolved.<sup>14</sup> On July 8, 1641, the House of Commons resolved that "the continuance of Long in prison, by the judges of the King's Bench for not putting in sureties of good behaviour, was without just or legal cause."<sup>15</sup> They also resolved that members of the King's Council that signed the information in the Star Chamber should make reparation for the damages and suffering caused to Long.<sup>16</sup> On December 9, 1641, Long was elected for Ludgershall, Wilts after the Commons disabled William Ashburnham from his seat.<sup>17</sup> On January 18, 1646 the Commons resolved that Long should receive £ 5,000 in damages.<sup>18</sup>

Another explosive issue was the Star Chamber proceedings against merchants who had refused to pay tunnage and poundage in 1629. Richard Chambers, one of the leaders of this merchants' "strike", had been called before the Privy Council with reference to a complaint; that he had uttered some "undutiful, seditious, and false words, that the merchants are in no part of the world so screwed and wronged as in England; that in Turkey they have more encouragement."<sup>19</sup> W.J. Jones sheds some light on the actual

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<sup>14</sup> D'Ewes p. 495.

<sup>15</sup> C.J. II p. 203.

<sup>16</sup> Loc. cit.

<sup>17</sup> Keeler p. 256. W. Ashburnham was the brother of John Ashburnham, who received Long's fine. "When the opportunity arose, it was symbolic of the times that Ashburnham of the army plot, brother of the courtier who had collected Long's fine, should be replaced by the critic and victim of the King's policies," in Keeler p. 257.

<sup>18</sup> C.J. IV p. 55.

<sup>19</sup> *State Trials* p. 373.

proceedings against Chambers.<sup>20</sup> Chambers' case was initiated during the Parliament of 1629 when legal proceedings and Parliamentary inquiry were merged to some extent. Chambers had attempted to rescue some impounded goods by a process of replevin, but this had been prohibited by the Barons of the Exchequer.<sup>21</sup> He attempted to use this process on January 29 on the grounds that his petition to Parliament justified this process of replevin. The Exchequer rejected his suit and in effect ruled that Chambers could only receive his goods after paying their duty.<sup>22</sup> It was subsequent to this that Chambers had uttered his seditious words, which the court deemed as "an endeavour to alienate the good affection of His Majesty's subjects from His Majesty, and to bring a slander upon His just government."<sup>23</sup> As John Kenyon points out, "the soreness caused by this prolonged resistance (the "merchants strike") showed itself in the punishment inflicted by the Star Chamber upon Chambers."<sup>24</sup> Unanimously the members of the Star Chamber found him guilty. The judgements varied but the members ended by agreeing to a fine of £ 2,000 payable to the King, commitment to the Fleet pending a formal submission for his great offence at

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<sup>20</sup> *P.B.* pp. 76-77.

<sup>21</sup> Replevin is an attempt to restore or recover goods, on security, for submission to trial and judgement.

<sup>22</sup> *P.B.* See his documents 9 and 11 on pages 163 and 169 respectively concerning Chambers opposition to the seizure of his goods and Charles I declaration showing the causes of the late dissolution' in which he denounces attempts by the House of Commons to interfere with councillors judges.

<sup>23</sup> *State Trials* p. 373.

<sup>24</sup> *Stuart Const.* p. 84

the Council Board, Court of Star Chamber, and the Royal Exchange. The Privy Council also ordered that his goods be held until he paid his fine. In July, 1629, Chambers submitted a plea to discharge himself of this fine because "the said fine was imposed by the King and counsel, and not by a legal judgment of his peers, nor by the law of the land, nor according to the manner of his offence, nor saving his merchandize, nor for any offence mentioned in the said statutes."<sup>25</sup> Chambers was brought before the court of Exchequer, to which he rejoined that his sentence was not warranted by the statute 3 Henry VII c.1, which he claimed founded the court. The court unanimously replied that it was "not erected by the statute 3 Henry VII, but was a court many years before."<sup>26</sup> Chambers' attempt to gain his freedom failed and he was remanded to prison. It is unsure when he was released but a Richard Chambers was imprisoned and then released for failure to pay ship money in 1638.<sup>27</sup> The House of Commons examined Chambers case and on April 16, 1641, they ordered "the Barons of the Exchequer to supersede and stay the process against Mr. Chambers, upon the extent of the fine laid upon him by the sentence in the Star Chamber, until this house shall take farther order in the business".<sup>28</sup> On August 13 they ordered that he "shall have his goods out of the King's warehouse, being two bail of silk, without giving security; the said

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<sup>25</sup> R.H.C. Vol I p. 676.

<sup>26</sup> Ibid. p. 677

<sup>27</sup> S.P.D. 16 / 392 / 70, 16 / 395 / 47.

<sup>28</sup> C.J. II p. 122.

goods being seized and detained for such impositions, as are not due by law."<sup>29</sup> In 1654 he petitioned the Commons for £ 13,680 for his losses but he did not receive anything.<sup>30</sup>

But one of the most controversial aspects of Star Chamber in the 1630s was its energetic defence of episcopal authority, as in the case of the Attorney General *versus* Alexander Leighton, which opened on June 4, 1630. Leighton was accused of framing and publishing a book entitled, *An Appeal to the Parliament: or, Sion's plea against the prelacy*.<sup>31</sup> This book, originally a petition to Parliament against the prelacy, supposedly had many influential signatories.<sup>32</sup> While in Europe Leighton had enlarged this petition into a book which contained many epithets attacking the prelacy. Found guilty in the Star Chamber, he was committed to the Fleet during His Majesty's pleasure, fined £ 10,000 payable to the King, and ordered to be whipped in the pillory, lose both ears, have his nose slit and be branded with a double S - to represent Sower of Sedition. He was also referred to the High Commission so that he could be degraded from his ministry.<sup>33</sup> Leighton escaped prior to his punishment and many people rejoiced, for he had escaped from " the bishops cruel sentence."<sup>34</sup> We are told that his book was popular and " not one in a 1000

<sup>29</sup> C.J. II p. 122.

<sup>30</sup> *State Trials* p. 382.

<sup>31</sup> R.H.C. Vol II 1 pp. 55-57.

<sup>32</sup> D.N.B. Vol XI pp. 880-881. Gardiner VII p. 144.

<sup>33</sup> R.H.C. Vol II 1 pp. 56-57.

<sup>34</sup> S.P.D. 16 / 175 / 63.

dislike him for it."<sup>35</sup> A group of puritans who approved of Leighton's book thought he had disgraced 'their' cause by escaping. They said "he has lost credit with his own party by flying. They had hoped his sufferings would have been a great glory for the truth."<sup>36</sup> Subsequently, Leighton was recaptured and the sentence executed. Rushworth comments on the outcome of the case: "The severe punishment of this unfortunate gentlemen many people pitied, he being a person well known for both his learning and other abilities; only his untempered zeal (as his countrymen then gave out) prompted him to that mistake, for which the necessity of affairs at the time required this severity from the hand of the magistrate, more than perhaps the crime would do in the following juncture."<sup>37</sup> The Commons heard his petition on November 9, 1640 and the report of the examining committee was presented by Francis Rous', M.P. for Truro, on April 21, 1641.<sup>38</sup> After Rous' report the House resolved that the 'great fine' of £ 10,000, corporal punishment, and imprisonment imposed on him by the Star Chamber sentence were illegal.<sup>39</sup> They resolved that he should be freed from his fine and imprisonment and receive "good reparation and satisfaction for his great sufferings and damages" sustained by the illegal sentence of the Star Chamber.<sup>40</sup>

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<sup>35</sup> Ibid.

<sup>36</sup> S.P.D. 16 / 175 / 63.

<sup>37</sup> R.H.C. Vol II 1 p. 58.

<sup>38</sup> C.J. II p. 124.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

The notorious William Prynne soon fell foul of this ecclesiastical censorship, in 1633, when he appeared before the Star Chamber, with his printer, Micheal Sparkes, accused of publishing *Histriomastix, A Scourge of Stage Plays* <sup>41</sup> The Attorney General, now William Noy, began by examining the ecclesiastical minister, Thomas Buckner, who had licensed the printing. Buckner, George Abbot, Archbishop of Canterbury's chaplain, claimed to have authorized only the original sixty-four pages, and as to the rest, over 800 pages, he had not seen them until after publication. He insisted that, as soon as he had learnt that the book had been published, he had obtained a warrant for its "restraint and seizure".<sup>42</sup> In July a process of contempt was issued against William Prynne for refusing to answer. The court ordered Prynne to make an answer and to be examined upon interrogatories.<sup>43</sup> In September, Prynne petitioned Secretary Coke to be pardoned for "any involuntary oversights or offences which may have unadvisedly escaped him, and to restore him to the King's favour."<sup>44</sup> This obviously was unsuccessful since Prynne came to trial in February, 1634. On the 17th of that month, with a large number of Privy Councillors attending, Prynne was found guilty of writing and together with Sparkes, of

<sup>41</sup> Prynne was born in Swainswick in 1600, the son of Thomas Prynne and Marie Sherston, daughter of the first Mayor of Bath. He was educated at Bath Grammer School, graduated in 1621 from Oxford and was called to the bar of Lincolns Inn in 1628.

<sup>42</sup> S.P.D. 16 / 242 / 50.

<sup>43</sup> S.P.D. 16 / 245 / 6.

<sup>44</sup> S.P.D. 16 / 246 / 108.



publishing a seditious book. Sparkes was fined £ 500, ordered to stand in the pillory, and be imprisoned during the King's pleasure.<sup>45</sup> Prynne was fined £5,000 payable to the King and sentenced to lose both ears and be imprisoned during the King's pleasure.<sup>46</sup> Prynne petitioned the council for mitigation of his fine and corporal punishment or a pardon, but the Privy Council confirmed the sentence.<sup>47</sup> William Laud, Archbishop of Canterbury, had been seen as leading the attack on Prynne, for motives of revenge.<sup>48</sup> However, this view must be reassessed since he voted against corporal punishment for Prynne.<sup>49</sup> This episode was not quite finished, because Prynne wrote to Laud in June to say that he had not received justice from him.<sup>50</sup> Laud sent his letter to the Attorney General, who summoned Prynne to his chamber, where " Mr. Atturnye ... shewed hime the leter, asked hime wheather it wear his hand. Mr prinn sayd he could not tell unless he might reed it. The leter beinge given into his hand, he tear the leter into small peeces, and threw it out at windowe, and say that should never rise in judgement against hime, fearing (it seemes) an ore tenus for this."<sup>51</sup> No further action was taken and Prynne was returned to prison. The Commons on April 20, 1641, voted

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<sup>45</sup> The proceedings are recorded in Gardiner, *Documents* pp. 1-31.

<sup>46</sup> R.H.C. II 1 pp. 231 - 241.

<sup>47</sup> S.P.D. 16 / 260 / 120.

<sup>48</sup> W.M. Lamont *Marginal Prynne* (1963) p. 33. See below pp. 23 - 27.

<sup>49</sup> Gardiner *Documents* pp. 32- 56.

<sup>50</sup> Ibid p. 57.

<sup>51</sup> Gardiner *Documents* p. 58



that the sentence imposed upon him in 1633 was illegal and given without cause.<sup>52</sup> Consequently, they felt that the decision against Prynne "ought to be reversed" and his fine discharged. They ordered that he should be restored to his degrees, and the Society of Lincoln's Inn.<sup>53</sup> Further, they decided reparation should be awarded for the damage and prejudice he had sustained.<sup>54</sup> Finally they declared his imprisonment by order of Council on February 1, 1632, unjust and illegal, and as such "those who signed the order for this should make satisfaction for damages sustained."<sup>55</sup>

Turning to 1634, the Long Parliament looked at only one of fifty-three causes listed in the State Papers Domestic to be heard during the thirteen days of the Court of Star Chamber's Michaelmas term that year.<sup>56</sup> This was the case of Sir David Foulis, Sir Thomas Layton, and Foulis' oldest son, Henry.<sup>57</sup> Sir Davis Foulis was sheriff of Yorkshire and a member of the Council of the North and had fallen foul of its President, Thomas, Viscount Wentworth. He had become involved in a series of wrangles with Wentworth after Foulis accused him of embezzling £ 5,000

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<sup>52</sup> C.J. II p. 123.

<sup>53</sup> Ibid. pp. 123 - 124.

<sup>54</sup> Ibid. p. 124

<sup>55</sup> Ibid.

<sup>56</sup> S.P.D. 16 / 257 / 66.

<sup>57</sup> S.P.D. 16 / 251 / 42 and 51. Sir David Foulis was of Scottish descent and had come to England with James I in 1603. He was naturalized by act of Parliament in 1606 and created a Baronet in 1620. Foulis is sometimes spelt Fowles.

from the receipt of the Knighthood fines.<sup>58</sup> Foulis saw his mistake and consequently appealed to Charles I for protection from Wentworth's vengeance.<sup>59</sup> However, this failed and proceedings quickly ensued against Foulis in the Star Chamber "for opposing the government in connection with the commision into Co. York for compounding knighthood at the coronation and for scandalizing Lord Deputy Wentworth in connection therein."<sup>60</sup> Foulis attempted to refute these charges, claiming he had never opposed the commission. He tried to clarify his actions, saying that he had previously asked Sir Thomas Layton, sheriff of Yorkshire, to appear before the Lord Wentworth and the King's Council to deny the embezzlement charge. In this he had said "He knew not how His Majesty would take it to have a High sheriff committed, and disgraced for his executing his Majesties writ," and, "...he did comment that a Mr. Wivel paid his acquittance for knighthood yet process was awarded of the exechequer for levying issues."<sup>61</sup> The defendant remarked that "If the Lord Wentworth had paid in all the monies he had received, he might have done well to have taken order, that those who paid their money to him,

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<sup>58</sup> J. Watts "Thomas Wentworth, Earl of Straford" in *Statesmen and Politicians* p. 95.

<sup>59</sup> D.N.B. Vol VII p. 509. In return he offered to bring the gentry of Yorkshire to a better temper.

<sup>60</sup> S.P.D. 16 / 251 / 42 and 51. The crime was that Sir David and Henry Foulis "publicly scandalized the Lord Wentworth by saying and taxing him to have received much money for knighthood fines, but not paid the same to his majesty, or to the Exchequer." *R.H.C.* II. 1 p. 65.

<sup>61</sup> *Ibid*

should be freed from any trouble, and not compelled to make double payment."<sup>62</sup> Gardiner explains the background to this case. Layton received orders from the Exchequer to levy the Knighthood fines on the goods of Wivel, who had already compounded with Wentworth.<sup>63</sup> Wentworth interfered on behalf of Wivel by calling the sheriff to him. Foulis urged Layton to refuse on the grounds that the president's court had no authority over the execution of the office of sheriff. In fact Foulis's point was correct but it served merely to raise the ire of Wentworth. The court examined all the evidence and found Foulis guilty of "undutifully opposing his majesties commissioners for compounding for the fines of Knighthood," and of falsely scandalizing Lord Wentworth by saying "he had received much money for Knighthood fines, but had not paid the same to His Majesty, or to the Exchequer."<sup>64</sup> They fined him £ 5000 payable to the King, £ 3000 payable to Lord Wentworth and ordered him to acknowledge his offences to this court, before the council at York, and at the next assizes at York. Further, he was banned from holding the positions of councillor at York, Deputy Lieutenant, or Justice of the Peace.<sup>65</sup> This was clearly a case of political feuding, with both parties battling for position through the Court of Star Chamber. Although Wentworth was vindicated by the court, it appears that Foulis' accusations were not unsubstantiated, since

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<sup>62</sup> Loc. cit.

<sup>63</sup> *Laud* pp. 232 - 233.

<sup>64</sup> *Ibid* p. 66.

<sup>65</sup> S.P.D. 16 / 251 / 51, R.H.C. II 1 pp.215 - 220.

one of Wentworth's many conflicts with the Lord Treasurer Portland concerned the former's refusal to hand over Distraint of Knighthood fines and recusancy fines until the last minute.<sup>66</sup> In 1636 Foulis petitioned to be released because of an outbreak of the plague but his request was turned down.<sup>67</sup> Sir David and Henry Foulis petitioned the House of Lords, on January 12, 1641, and asked "that the sentence in the Star Chamber may be reviewed and reversed, the damages and costs repayed, the fine, extents, and other proceedings, discharged and vacated." The Lords referred this to committee.<sup>68</sup> On March 16 the Lords discharged the two from imprisonment in the Fleet, upon bail.<sup>69</sup>

The case of Sir John Corbet was of more immediate interest to the Long Parliament, because his "offence" was a highly controversial one in the 1630s. In June 1635 an information had been exhibited on the King's behalf against him for protesting at the quarter sessions for Shropshire the levy of muster-master's fees by the Lord Lieutenant of the county.<sup>70</sup> He petitioned the King for bail after a four month imprisonment because he had delivered his answer and had been interrogated in the Star Chamber.<sup>71</sup> A month later he was released on a £ 2,000 bond which was set to ensure that "he shall attend such process as shall issue forth against him in the cause in which the Attorney General

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<sup>66</sup> Watts *Wentworth* p. 95.

<sup>67</sup> S.P.D. 16 / 322 / 48.

<sup>68</sup> L.J. IV p. 129.

<sup>69</sup> L.J. IV p. 186.

<sup>70</sup> D.N.B. Vol IV p. 1125.

<sup>71</sup> S.P.D. 16 / 300 / 69.

informs the Court of Star Chamber against him, and that he shall appear at the hearing, and abide by the council."<sup>72</sup> Little else was done about this case until it was reviewed by the Long Parliament in 1640. Corbet had now been elected M.P. for Shropshire, and his case was reported by the lawyer, Sir Thomas Widdrington, four days prior to the reading of the bill to abolish the Star Chamber, on June 4, 1641.<sup>73</sup> The House resolved "that the Attorney General take the information in the Star Chamber, against Sir John Corbet, off the file: And that he should take some course, that the bond, which he entered into, to attend the suit at the hearing, be delivered unto him," and "that the Lords, and others of the Privy Council, whose hands are at the warrant for the commitment of Sir John Corbet ought to make some reparation".<sup>74</sup>

On the other hand the case of John Williams, Bishop of Lincoln, was simply an attempt by Laud to suppress one of his most persistent critics on the Episcopal bench. In 1636 the Bishop of Lincoln petitioned Charles I imploring him to grant more time "in order to prepare a defence against the long and perplexed information put into the court against him."<sup>75</sup> If the information was long and perplexed, so were

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<sup>72</sup> S.P.D. 16 / 302 / 96.

<sup>73</sup> C.J. II p. 167. He should not be confused with "Sir John Corbet of Sprowston, Norfolk ... who was imprisoned for refusing the 1627 loan and died in 1628." Keeler p. 142.

<sup>74</sup> Ibid.

<sup>75</sup> S.P.D. 16 / 322 / 47. Williams was an expert on Star Chamber procedure; as Lord Keeper he had been President of the court. In 1636 his most time consuming moves were: to cross examine witnesses concerning their interrogatories, and entering many witnesses on his behalf. Both of these



the proceedings against Williams, which had actually begun in 1628, when Sir John Lambe and Dr. Sibthorne had confided to Laud that Williams had once revealed to them secrets of the Privy Council. Actually, Williams had advised the two of them, during the reign of James I, "to proceed gently with the puritans as King James had it in mind to divulge foibles for political reasons."<sup>76</sup> The case languished until 1632, when Williams was investigated by the Attorney General for libellous words concerning the court of Star Chamber but this case was dropped since the allegations were unfounded.<sup>77</sup> The case reemerged when Richard Kilvert took over the prosecution for the Attorney General. Kilvert found that one of Williams' key witnesses had been the father of an illegitimate child and he used this to discredit Williams' evidence.<sup>78</sup> Williams unfortunately decided to defend his witness and got caught in a trap whereby he had to buy false witnesses to defend his position.<sup>79</sup> This was discovered and allowed Kilvert to bring a new charge of subornation of perjury. Williams turned to the King for help, offering to buy his pardon, but Laud soon gained the advantage. As H. R. Trevor-Roper points out, it was merely a political struggle between

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<sup>75</sup> (cont'd) moves forced the judges to decide on what interrogatories to expunge.

<sup>76</sup> Trevor-Roper *Laud* p. 183.

<sup>77</sup> S.P.D. 16 / 230 / 12.

<sup>78</sup> S.R. Gardiner *History of England VII* (London; Longman, Green and Co., 1891) p. 251. All the charges against Williams are in Rossingham's newsletter listed in S.P.D. 16 / 362 / 31 and reproduced in the appendix pp. 118 - 120.

<sup>79</sup> Trevor Roper *Laud* p. 327.



Williams and Laud using legal processes.<sup>80</sup> In what appears to have been a political maneuver, Williams issued, anonymously, *The Holy Table, Name and Thing*. He was attempting to gain some support at Court from another party who opposed Laud - namely the puritans. Williams' case was allowed to lapse while the trial of William Prynne, John Bastwicke and Henry Burton proceeded but on June 16, 1637, he was summoned to answer charges of tampering with witnesses and subornation of perjury.<sup>81</sup> There was little question that the Bishop had tampered with witnesses, because the King's counsel produced "a paper of instructions which the bishop was charged to have given to the defendants to learn by it how to answer the interrogatories."<sup>82</sup> The Court of Star Chamber found Williams guilty and fined him £ 10,000 payable to the King, 1,000 marks payable to Sir John Monson and imprisonment during the King's pleasure.<sup>83</sup> This case may be viewed as Laud's vengeance on a rival, and, as a contemporary pointed out, "if they had done this *ad correctionem* not *ad ruinam* they would have kept the bounds of the court."<sup>84</sup>

Nor was this the end of Bishop Williams' woes, because he and Lambert Osbaldston were also said "to have plotted

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<sup>80</sup> Ibid p. 327.

<sup>81</sup> S.P.D. 16 / 361 / 96-102.

<sup>82</sup> S.P.D. 16 / 362 / 76. Discussion of this days proceedings are reproduced in appendix pp. 121 - 123. Further discussion of this case is listed in S.P.D. 16 / 363 / 42 and reproduced in appendix pp. 124 - 126.

<sup>83</sup> R.H.C. II 1 pp. 416 - 449. For a discussion of the sentencing see Appendix pp. 129 - 134.

<sup>84</sup> S.P.D. 16 / 364 / 47.

together to divulge false news and lies, to breed a disturbance in the state, and difference between two great persons, and peers of the realm, viz., the late Lord Treasurer Weston, and the Archbishop of Canterbury."<sup>5</sup> The case was heard on February 14, 1639. The charges against the two were supported by some letters sent from Osbaldston to Williams five years earlier. The court found the two guilty. Osbaldston being the writer was fined £ 5000 payable to the King and £ 5,000 payable to Laud, condemned to the pillory where he was to lose his ears, and degraded from his holy orders. Bishop Williams was fined £ 5,000 payable to the King and £ 3,000 payable to Laud, and returned to the Tower.<sup>6</sup> Osbaldston escaped, leaving a note on his desk saying, "If the Archbishop inquire after me, tell him, I am gone beyond Canterbury."<sup>7</sup>

The petition of Lambert Osbaldston was read on January 23 in the House of Lords. The Lords ordered him freed in order that he could follow his cause. They apparently intended that he be freed from the execution from his punishment as he had previously been in hiding. After examining his case they resolved that "neither the Star Chamber or High Commission had or has the power to sentence any subject of this realm out of his freehold and inheritance."<sup>8</sup> They also ordered that "the damages and costs given against the Lord Bishop of Lincolne, in the

<sup>5</sup> R.H.C. Vol II 1 p. 803.

<sup>6</sup> Ibid p. 817.

<sup>7</sup> Ibid p. 817.

<sup>8</sup> L.J. IV p. 145.

Star Chamber, in the same sentence against Mr. Osbaldston, are and shall hereby be discharged and vacated."<sup>89</sup> Williams received no writ to attend the Short Parliament of 1640, but at the start of the Long Parliament, the Crown attempted to compromise by sending him a writ of summons on the understanding that he would give bail to return as a prisoner after the session was over. However, the question was raised in the House of Lords, and after the committee for privileges examined Williams' problems, it voted that he should sit in Parliament without any restraint upon his person.<sup>90</sup>

But one of the most celebrated cases which came to the Long Parliament's attention was that of Prynne, Burton and Bastwicke - another attempt to silence critics of episcopacy. On March 15, 1637, an information was presented in Star Chamber by the Attorney General against William Prynne, Henry Burton and Dr. John Bastwicke for seditious libel. The information also named sixteen less important defendants and concerned the "publication of various libellous books with the intent to move the people to discontent against the King's ecclesiastical government."<sup>91</sup> Bastwicke was charged with publishing *Apolegeticus ad Proesules Anglicans* and *The Litany*, the former with the assistance of Burton and Prynne. Burton was charged with publishing *An Apology of an Appeal* and all

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<sup>89</sup> Loc. cit.

<sup>90</sup> E.R. Foster *The House of Lords* p. 146.

<sup>91</sup> S.P.D. 16 / 354 / 180.

three were accused of dispersing the *News from Ipswich*.<sup>2</sup> Various manoeuvres were attempted to force the three to submit an answer but to little avail. Prynne and Bastwicke did not exhibit an answer, charging that no attorney would sign their informations. Burton's answer was so libellous that most of it was edited out by the two chief justices.<sup>3</sup> On June 14 the case against the three was taken *pro confesso*, so the court proceeded straight to sentencing. The sentence was perpetual imprisonment in remote places: Bastwicke, in Lostwithiel Castle; Burton, in Lancaster Castle; Prynne in Carnarvon Castle. In addition each was fined £ 5000, ordered to lose their ears, and Burton and Bastwicke, who were clergymen were to be degraded from holy orders.<sup>4</sup> Prynne was also ordered to be branded on his cheek with an "S. L.", for "Seditious Libeller".<sup>5</sup> On June 29 they were ordered to be imprisoned without pen, ink, or paper or any other books except the Bible and Book of Common Prayer.<sup>6</sup>

Public interest in this case was high and Archbishop Laud's speech during the trial was published and "bought up

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<sup>2</sup> Ibid. Prynne has been attributed as its author by Gardiner (p. 314) but there is no substantive documentation for this.

<sup>3</sup> R.H.C. II 2 pp. 380- 381

<sup>4</sup> S.P.D. 16 / 361 / 77. Prynne was to lose what remained of his ears. Neither Bishop Juxon or Archbishop Laud gave sentence. See pp. 23 - 27 where his case is discussed and see appendix pp. 116 - 117.

<sup>5</sup> R.H.C. II 1 p. 382. The execution of their sentences are described in appendix pp. 124 - 128.

<sup>6</sup> S.P.D. 16 / 362 / 70. These orders were to be sent to each of the sheriffs of the counties to which each was being confined in. See appendix pp. 129.

so fast they are not to be gotten."<sup>97</sup> Prynne and Burton were treated as heroes by the populace on their way to imprisonment. This concerned Charles I, and he issued an order to have their treatment examined.<sup>98</sup> On August 27 the Privy Council realized that it had not detained the three in sufficiently remote prisons. Consequently, Bastwicke was moved to the Isle of Scilly, Burton to Guernsey, and Prynne to Jersey.<sup>99</sup> Prynne's, Burton's and Bastwicke's petitions were all examined in detail by the House of Commons. D'Ewes' notes of the proceedings of the committee examining these petitions emphasize the punishment the three suffered. Their petitions were discussed for no less than seventeen days in committee and at least a further five days in the House. Without a doubt their investigation strongly influenced the attitude of the Commons to Star Chamber. On February 22, 1641 resolutions were passed concerning Bastwicke's petition,<sup>100</sup> on March 2, for Burton's,<sup>101</sup> and April 20 concerning Prynne's.<sup>102</sup> They were all very similar with three points in general being the focus. First, that the proceedings and sentence of the Star Chamber were illegal and ought to be discharged and as such the three should all be discharged of their fines and imprisonment. Secondly, that reparation for the damages sustained by the proceedings, sentence and execution should

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<sup>97</sup> S.P.D. 16 / 362 / 76. See appendix p. 121 - 123.

<sup>98</sup> S.P.D. 16 / 367 / 59.

<sup>99</sup> R.H.C. II 1 p. 382 ; S.P.D. 16 / 367 / 90.

<sup>100</sup> C.J. II p. 92.

<sup>101</sup> C.J. II p. 112.

<sup>102</sup> C.J. II p. 123.



be given to the three. Third, the warrant of the council transferring their imprisonment to remote prisons was against the law and an infringement of the liberty of the subject.

A similar Star Chamber case in 1637 involved Lilburne and John Wharton, who also were charged with unlawfully printing and publishing the libellous and seditious *News from Ipswich*.<sup>103</sup> Lilburne was accused of printing these 'Puritan books' at Rotterdam for the English market. Both Lilburne and Wharton refused to take their interrogatories under oath, feeling that it was the High Commission's oath *ex officio*. When the case was heard, the Court endeavored "by fair persuasions to draw them to conformity and obedience, and withal offered, that if they yet would submit and take their oaths, their lordships would accept thereof, and proceed to censure them. But such was the insufferable disobedience and contempt of the said delinquents, that they persisted in their former obstinancy, and wilfully refused to take their oaths."<sup>104</sup> Lilburne denied circulating puritan books but when brought in front of the Star Chamber to answer under oath on other questions he refused to reply. The Star Chamber was sensitive of this 'attack' on its rules and he was found

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<sup>103</sup> R.H.C. II 1 p. 463. The pamphlet was a virulent attack against Matthew Wren, Bishop of Hereford, Norwich and Lichfield, who was concerned at the time with increasing rents for episcopal lands which had previously been rented for next to nothing. *Laud* p. 314.

<sup>104</sup> *Ibid.* pp. 465 - 466.



quilty.<sup>105</sup> The court proceeded to judgement and fined the two of them £ 500 each. Further it was ordered, in an attempt to deter anyone from repeating the offence, that Lilburne be whipped through the streets, from the Fleet prison to the pillory.<sup>106</sup> Lilburne made a speech during his sentencing and scattered copies of the *News From Ipswich* upon which the Star Chamber ordered him to be set in the prison with irons on his wrists and ankles.<sup>107</sup>

Lilburne's petition in respect of this case was introduced in the House of Commons on November 9, 1640; however, Lilburne claimed it was introduced on "The 3rd of November, 1640, being the first day of the late dissolved Parliament sate, I according to law and justice preferred my petition and complaint to them; who upon the reading of my petition, immediately ordered me my liberty (being, as I remember, the first prisoner in England set at liberty by them) to follow my petition, and according to the legal custom of Parliaments make it good by proof, before a select committee appointed by them to that purpose."<sup>108</sup> On May 4th, 1641, Francis Rous made a report on the petition of Lilburne. The House resolved that the Star Chamber sentence against him was illegal and "against the liberty

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<sup>105</sup> Gardiner *History of the rebellion* VII pp. 248 - 249.

<sup>106</sup> Ibid. p. 466.

<sup>107</sup> Ibid. pp. 466 - 467.

<sup>108</sup> *State Trials* iii pp. 88 - 89. Both D'Ewes and the Commons Journal date his petition as being delivered on November 9 and as his petition was referred to Leighton's committee he could not have been the first prisoner released as Leighton would have been.

of the subject and also bloody, wicked, cruel, barbarous, and tyrannical."<sup>109</sup> They resolved that he should receive reparation for his imprisonment, sufferings, and losses sustained by the illegal sentence.

But one of the most disturbing cases examined by the Long Parliament was that of Sir Richard Wiseman, which case involved the social degradation of a gentleman. Wiseman's case came to hearing in the Star Chamber on June 5, 1638.<sup>110</sup> He was charged with accusing the Star Chamber of injustice with reference to a former suit of his which had been dismissed, and further accusing the Lord Keeper Finch, Justice Jones, and Justice Thomson with corruption. The slander was contained in two petitions of the defendant to the King, one of which was exhibited prior to its delivery to the King. In one petition, Wiseman charged the Lord Keeper with receiving from him, in an attempt to help his cause, "a bason and ewer and a sum of £ 220 ."<sup>111</sup> This was most likely a reference to his suit against John Stone and John Elmes, which had been dismissed.<sup>112</sup> The Lord Keeper admitted receiving the bason and ewer as a New Year's gift but he claimed he did not receive the money. The charges against Wiseman were found to be true, and his defence was found to be contradicted by one of his own witnesses.

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<sup>109</sup> C.J. II p. 134.

<sup>110</sup> S.P.D. 16 / 392 / 21 and 22. He is not listed in either *Complete Peerage* G.E.C. London, The St. Catherines Press, or *Burke's Peerage Barontage and Knightage* ed. Peter Townend London, Burke's Peerage Limited, 1967.

<sup>111</sup> Ibid. This was listed to come before the Star Chamber on January 31, 1638.

<sup>112</sup> S.P.D. 16 / 380 / 73.

Additionally, Wiseman raised the ire of the court by his actions in his own defence.<sup>113</sup> This was a busy law term, and he attempted to take advantage of the court by slowing down the proceedings. On May 6 the Council had ordered Wiseman admitted *in forma pauperis*, if he could prove his poverty. However, they later alleged that this plea of poverty was merely a "pretence whereby to delay the proceedings of the court."<sup>114</sup> Wiseman also complained, falsely, of unwarranted imprisonment. The Council on May 16 assigned Serjeants Henden and Warde to be Wiseman's counsel, after he complained that the counsel assigned him by a former order had refused to act for him.<sup>115</sup> The court eventually found him guilty and ordered him to be imprisoned during His Majesty's pleasure, fined £ 10,000 payable to the King, £ 5,000 payable to the Lord Keeper, £1,000 payable to Mr. Justice Jones, and £ 1,000 payable to Justice Thomson. He was to be degraded from his Knighthood, if a knight; if a baronet, there was to be a *scire facias* against his patent, he was to lose his ears and be disabled from giving testimony henceforth.<sup>116</sup>

Wiseman's case roused strong emotions amongst the members of the House of Lords in the Long Parliament. On January 4, 1641 his petition was brought before the House of Lords.<sup>117</sup> The punishment inflicted upon him was regarded

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<sup>113</sup> Ibid.

<sup>114</sup> S.P.D. 16 / 389 / 115.

<sup>115</sup> S.P.D. 16 / 390 / 79.

<sup>116</sup> S.P.D. 16 / 392 / 21.

<sup>117</sup> L.J. IV p. 124.

as harsh; the Lords' Journal notes the condition of Wiseman and his treatment. They felt that the Star Chamber sentence had caused him, "a gentleman, great misery and want."<sup>118</sup> The Lords were clearly affected by his petition, because they ordered several members to "consider and examine the whole Business, Proceedings, and Judgment against Sir Richard Wiseman, in the Star Chamber, and the usage of him in The Fleet, during his imprisonment there; and likewise to examine the institution and power of the Court of Star Chamber."<sup>119</sup>

After this, the case of Sir Pierce Crosby is an anti-climax. The case, the Attorney General on behalf of Lord Wentworth, Lord Deputy of Ireland versus Sir Pierce Crosby, came to hearing in 1639. Problems arose between the two as early as 1634 when Crosby fell out with Wentworth on an important vote in the Irish Council. Crosby had in 1634 voted in the Irish Council to allow for a Commission of Defective titles but in the Irish Commons he went against this, and in effect attacked Wentworth.<sup>120</sup> Soon after Crosby was arrested, imprisoned, called before the Council, and sequestered for contempt by his colleagues.<sup>121</sup> Voting one way in Council and another way in Parliament was a malpractice one dared not openly approve. The two continued to struggle politically in Ireland until 1638 when Crosby declared, "that Wentworth had so violently assaulted a

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<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Wedgewood, *Strafford* p. 147 - 148.

<sup>121</sup> Ibid. p. 149.

certain Robert Esmond, a prisoner, in the Castle Chamber, that he died."<sup>122</sup> In 1638 Crosby was charged with slandering Wentworth. Crosby's libel action quickly exposed this fraud. "Esmonds widow had in fact received a bribe of £1000 to say her husband met his death at the Deputy's hands."<sup>123</sup> Crosby wished to be released but was refused by the Privy Council.<sup>124</sup> In 1639 the case came to hearing and in a six to three verdict he was found guilty. He was fined £ 4,000 payable to the King and he and two other defendants were to pay between them £ 5,000 to the Lord Deputy.<sup>125</sup> His petition in the Long Parliament was aimed primarily at the Earl of Strafford. On June 5, 1641 the House of Commons made an order for discharging his lands in Ireland from an extent.<sup>126</sup> On June 14, they ordered the lords who gave sentence to show cause why they resolved as they did. Also they resolved to move his Majesty to restore Crosby to the Council Board in Ireland.<sup>127</sup> By June 30 Crosby had been reappointed to the Irish Council Board. Consequently, on August 12 he withdrew his petition.<sup>128</sup>

From this examination it is clear how Parliament was influenced by these cases. They were the most notorious ones of this era. Although the Star Chamber never exceeded its power it was surely pressing them to the limits. Most

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<sup>122</sup> Ibid. p. 219.

<sup>123</sup> Ibid. *R.H.C.* II 2 p. 888

<sup>124</sup> *S.P.D.* 16 / 393 / 18.

<sup>125</sup> *R.H.C.* II 2 pp. 888 - 892

<sup>126</sup> *C.J.* II p. 266

<sup>127</sup> *C.J.* II p. 275

<sup>128</sup> *C.J.* II pp. 296 and 360.

Members of Parliament were aware of the record of the Star Chamber during the period between 1629 - 1640 and their examination of these cases must have confirmed any suspicions they held about the Court.

The Star Chamber was now dissolved. The Long Parliament began reviewing the Court, not because of some prior call for reform but, because of the petitions introduced on behalf of people who claimed to have been unfairly prosecuted by the Court. There was no build up of animosity towards the Court prior to the meetings of the Short and the Long Parliaments. The public awareness of what the Star Chamber could do arose from the Parliament's review of the Court, as exemplified by the cases of Lilburne Burton, Prynne, Leighton and Wiseman. These parties submitted petitions to parliament at a time when much agitation existed between the government of the King and Parliament. It is these petitions, at that time, which directly initiated a review of the Court, as a result of which the call for its dissolution arose. Parliament did not review the entire record of the court merely these "excesses". In my opinion, such cases were generally believed by Parliament to be typical actions by the Court of Star Chamber.



## VI. The Near Revival

The Court of Star Chamber had now been dissolved, but as Clarendon remarks, "the taking it away was an act very popular; which, it maybe, was not then more politic than the reviving it might be thought hereafter, when the present distempers shall be expired."<sup>1</sup> One must keep this in mind when considering the review of Acts of the Long Parliament undertaken by the House of Lords after the reformation of the Monarchy in 1661.

In January, 1661, a committee was appointed to prepare a bill for repealing all acts made by the Long Parliament. A sub-committee was formed from this committee to examine the possibility of establishing a court similar to that of the Star Chamber. Lord Lucas was appointed the Chairman of the sub-committee. When the committee first met on February 6, 1661, it listed five main jurisdictions to be examined: first, there was to be only one such court; second, the court would be unable to decide on titles of land; third, that it would be limited to the causes listed in Statute 3 Henry VII; fourth, there would be a limit on fines; fifth, the court would not be allowed to administer corporal punishment but would be restricted to imprisonment for an offence.<sup>2</sup> An additional area listed in the committee records is integral, i.e. whether the judges should be under oath. From this the committee returned to the full

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<sup>1</sup> Clarendon *History of the Rebellion I* (1893) pp. 375.

<sup>2</sup> *Minutes of the Committees of the House of Lords 16, May 1661 - 13 May, 1664.* f. 129.

House on February 15 to obtain further direction. Its report said, "the committee are of the opinion, that it is fit for the good of the nation, that there be a court of the like nature of the late court called the Star Chamber; but their Lordships desire the advice and directions of this house in these particular following:

Who shall be judges?

What manner they shall be judge of?

By what manner of proceedings they shall act?"<sup>3</sup>

To which the House replied "the committee shall do as it saw fit"<sup>4</sup>

The committee met again later that day and appointed Lord Chief Justice Bridgman to decide what the counsel should judge.<sup>5</sup> On March 1, Bridgman made his report. His proposals were: first, no defendant shall answer upon oath; second, there should only be one such court; third, that no damages should be given to the plaintiff except for costs of the sentence; fourth, there should be no corporal punishment other than imprisonment, such imprisonment being limited to two years; fifth, that fines should be limited to £1000; and finally that lands, tenements, tythes should not be judged and no one should be forced to answer interrogatories. No agreement could be reached concerning the report of Bridgman. These proceedings were debated by the whole committee on April 7.

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<sup>3</sup> L.J. XI pp. 382.

<sup>4</sup> Ibid.

<sup>5</sup> *Minutes of the Committee* f. 138

No further meetings were held until the next session of Parliament in 1663. On April 7, the powers of the committee were read and the proceedings of the former committee reviewed.<sup>6</sup> Again Lord Lucas was appointed to the Chair of another committee. All that had been agreed upon previously was again debated and accepted. When this committee met, it debated whether the judges in Star Chamber should be forced to take an oath. Upon sharp division, the committee voted on whether the question should be put. This vote was carried 8 to 3. It voted on the question. Again by an 8 to 3 vote, it decided that the judges should take an oath. On April 13, Lucas was opposed by the rest of the committee over the draft of the oath.<sup>7</sup> The draft of Lucas's was lost, and the committee turned to two other matters of concern. These were the questions, who should be judges, and what causes were they empowered to judge? After this, the committee passed into obscurity; it was ordered to meet again on May 5, but it never did.<sup>8</sup>

There is no apparent reason for the silent abandonment of this proposal. It may have been due to conflicts within the committee, or within the House itself, but it is more likely that the hostility to Star Chamber fomented in 1641 was still strong enough to make any serious attempt to revive it, even in a modified form, highly impolitic.

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<sup>6</sup> Ibid. 1663 f. 36 - 37.

<sup>7</sup> Ibid. f. 46.

<sup>8</sup> An attempt by the Bishops in 1661 to revive the Court of High Commission failed as well. *Stuart Const.* p. 338 and document 103 p. 350. Which shows how the wind was blowing.

## VII. Appendices

### A. Statute 3 Henry VII Cap. 1

Statutes of the Realm Volume II pp. 509 - 510.

*Pro Camera Stellata, An Acte geving the Court of Star Chamber Authority to Punnyshe dyvers Mydemeanors*

First the kyng oure said Soveryn Lord remembreth howe by onlawful mayntenance gevyng of lyves signes and tokyns and reteyndres by endentur pmyses othes writing or otherwise, embraciaries or his subgett, od true demeanyng of shrevys in making of panell and other ontrewre retuornes, by takyng of money by juryes, by greate riotts and unlawful assembles, the polacye and good rule of this realme is almost subdued, and for the nowne punysshement of this inconvenience and by occasion of the pymssis nothing or lityll maybe founde by enquerry, wherby the lawes of the land in execucon may take litell effecte, to the encres of murdres robries pjuries and unsurieties of all men and losses of their lond and goode, to the great displeas of allmighty god be yt therfor ordyned for reformation of the pmysses by thauctorite of this pliament, that the Chaunceller and tresorer of Englund for the tyme beyng and keper of the Kyngs pryvye seall, or too of theym, calling to hym a bisshop and a tempall lord of the Kynge most Honorable Councell, and the too Chyeff Justices of the Kyngs Benche and Comon Place for the tyme beyng, or other

too Justices in ther absence, upoon bill or informacion pot to the seid Chauncellor, for the Kyng or any other, ageyn eny psone for eny mysbehavinge afore rehersed, have auctorite to call before theym by wrytte or Pryvye Seal the seid mysdoers, and theym and other by ther discretions to whome the trouthe may be knowen to examyn, and such as they fynd therin defectiff to punyssh theym after their demerit, after the forme and effect of statutes therof made, in like man and forme as they shuld and ought to be punysshed if they were therof convyct after the due ordre of the lawe. And ov that be yt also ordyngned by thauctorite aforeseid, that the justices of the peas of evy shire of this realm for the tyme being may do take by ther discessions of enquest, wherof evy man shall have lands and tente to the yerly value of x l s at the leest, to enguere of the concelemente of other enquests, taken afore theym and fore other, of such maters and offens as ar to be enquered and psented afore justices of the peas, wheroff complaynt shall be made by billes as well within fraunches as without; and yff eny such concelement be found of any enquest as is afore rehersed had or made within the yere afore the same concelement, eny psone of the same enquest to be amerced for the same concelements by discession of the same Justicez of the peas; the said amciaments to be cessed in playn sessions.

**B. Statute 16 Charles I Cap. 10**

Statutes of the Realm Volume V pp. 110 - 112.

*An Acte for regulating the Privie Councell and for taking away the Court commonly called the Star Chamber.*

Whereas by the great charter many times confirmed in Parliament It is enacted that no freeman shall be taken or imprisoned or disseised of his freehold or liberties or free customes or to be outlawed or exiled or otherwise destroyed and that the King will not not passe upon him or condemn him but by lawful Judgement of his Peers or by the Law of the Land And by another Statute made in the fifth yeare of the Reigne of King Edward the Third It is enacted that no man shall be attached by any accusation nor forejudged of life or lim nor his lands Tenements Goods nor Chattels seised into the Kings hands against the forme of the Great Charter and the law of the land And by another Statute made in the five and twentieth yeare of the Reigne of the same King Edward the Third. It is accorded assented and established that none shall be taken by petition or suggestion made to the king or to his Councell unlesse it be by indictment or Presentment of good and lawfull people of the same neighbourhood where such deeds be done in due manner or by processe made by writ original at the Common law and that none be put out of his franchise of freehold unlesse he bee duly brought in to answer and forejudged of the same by the course of the law and if any thing be done against the same it shall be redressed and holden for none.



And by another Statute made in the eight and twentieth yeare of the Reigne of the same King Edward the third it is amongst other things enacted that no man of what estate or condition soever he shall be put out of his Lands or Tenements nor taken nor imprisoned nor disinherited without being brought in to answer by due process of law and by another Statute made in the two and fourtieth yeare of the reigne of the said King Edward the Third It is enacted that no man be put to answer without presentment before Justices or matter of record or by due procees and writ Originall according to the old law of the land and if any thing be done to the contrary it shall be void in law and holden for errour. And by another Statute made in the six and thirtieth yeare of the same King Edward the Third it is enacted that all pleas which shall be pleaded in any Courts before any the Kings Justices or in in his other places or before any of his other Ministers or in the courts and places of any other Lords within the realm shall be entered and inrolled in latine and whereas by the statute made in the third year of King Henry the Seventh power is given to the Chancellor the lord Treasurer of England for the time being and the Keeper of the Kings Privie Seale or two of them calling unto them a Bishop and a temporal Lord of the Kings most honourable Councell and the two chiefe Justices of the Kings Bench and the Common Pleas for the time being or other two Justices in theire absence to proceed as in that act is expressed for the punishment of some particular

offences therein mentioned And by the Statute made in the one and twentieth yeare of King Henry the eighth The president of the Councell is associated to joyne with the Lord Chancellour and other Judges in the said Statute of the third of Henry the seventh mentioned But the said Judges have not kept themselves to the points limited by the said Staute but have undertaken to punish where no law doth warrant ant to make Decrees for things having no such authorite and to inflict heavier punishments then by any law is warranted And forasmuch as all matters examinable or determinable before the said Judges or in the Court commonly called the Star Chamber may have theire proper remedy and redresse and theire due punishment and correction by the Common law of the land and in the ordinary course of justice elsewhere And forasmuch as the reasons and motives inducing the erection and continuance of that court doe now cease and the Proceedings Censures and Decrees of that court have by experience beene found to be an intollerable burthen to the subjects and the meanes to introduce an Arbitrary Power and Government And forasmuch as the Councell Table hath of late times assumed unto it selfe a power to intermeddle in Civil causes and matters onely of private interest betweene party and party and have adventured to determine of the estates and liberties of the subject contrary to the law of the land and the rights and Priveledges of the subject by which great and manifold mischeifs and inconveniences have arisen

and happened and much incertainty by meanes of such proceedings hath beene conceived concerning mens rights and estates for settling whereof and preventing the like in time to come. Be it ordained and enacted by the authority belonging unto or exercised in the same court or by any the Judges Officers or Ministers thereof be from the first of August in the yeare of our Lord God one thousand six hundred fourty and one cleerely and absolutely dissolved taken away and determined and that from the said day of August neither the Lord Chancellor or Keeper of the Great Seale of England the Lord Treasurer of England the Keeper of the Privei Seale or President of the Councell nor any Bishop Temporall Lord Privy Councillor or Judge or Justice whatsoever shall have any power or authoritie to heare or determine any matter or thing whatsoever in the said Court commonly called the Star Chamber or to make pronounce or deliver any judgement Sentence Order or Decree or to doe any Judiciall or Ministeriall Act in the said Court And that all and every Act or Acts of Parliament and all and every Article Clause and Sentence in them and every of them by which any Jurisdiction power or Authority is given limited or appointed unto the said Court commonly called the Star Chamber or unto all or any the Judges Officers or Ministers thereof for any proceedings to be had or made in the said Court or for any matter or thing to be drawn into question examined or determined there shall for so much as concerneth the said Court of Star Chamber and the power and

authorite thereby given unto it be from the first day of August repealed and absolutley revoked and made void.

(II) And be it likewise Enacted that the like jurisdiction now used and exercised in the Court before the President and Councell in the Marches of Wales and alsoe in the Court before the President and Counsell established in the Northern parts. And also in the Court commonly valled the Court of the Dutchy of Lancaster held before the Chancellor and Councell of the Court and alsoe in the Court Exchequer of the County Palatine of Chester held before the Chamberlaine and Councell of that Court. The like jurisdiction being exercised there shall from the said first day of August one thousand six hundred fourty and alsoe one be alsoe repealed and absolutely revoked and made void any law custo or usage. Or the said Statute made in the yeare of King Henry the seventh Or the Statute made the one and twentieth of Henry the eighth Or any Act or Acts of Parliament heretofore had or made to the contrary therof in any wise notwithstanding And that from henceforth no Court Councell or place of Judicature shall be erected ordained constituted or appointed within this Realme of England or Dominion of Wales which shall have use or exercise the same or the like jurisdiction as is or hath beene practiced or exercised in the said Court of Star Chamber.

(III) Be it likewise declared and enacted by authorite of this present Parliament That neither his Majesitie nor his Privie Councell have or ought to have any Jurisdiction

power or authority by English Bill Petition Articles Libell or any other arbitrary way whatsoever to examine or drawe into question determine or dispose of the Lands Tenements Hereditaments Goods or Chattels of any the Subjects of this Kingdome But that the same ought to be tried and determined the ordinary Courts of Justice and by the ordinary course of the law.

(IV) And be it further provided and enacted that if any Lord Chancellor or Keeper of the Greate Seale of England Lord Treasurer, Keeper of the Kings Privie Seale, President of the Councell, Bishopp, Temporal Lord, Privy Councellour, Judge or Justice shall offend or doe any thing contrary to the purport true intent and meaning of this law Then he or they shall for such offence forfeit the sum of five hundred pounds of lawfull Money of England to any party grieved his executors or administrators who shall really prosecute for the same and first obtain Judgement thereupon to be recorded in any Court of Record at Westminister by Action of Debt Bill Plaint or Information wherein no essoine Protection Wager of Law Aid Prayer Priviledge Injunction or order of restraint shall be in any wise prayed shall be had as aforesaid shall after such Judgement or recovery offend againe in the same then be or they for such offence shall foefeit the sum of one thousand pounds of lawfull Money of England unto any party greived his Executors or Administrators who shall really prosecute for the same and first obtain Judgement therupon to be



recorded in any Court of Record at Westminster by action of Debt Bill Plaintiff or Information in which no Essoine Protection Wager of Law Aid Priviledge Injunction or Order of Restraint shall be in any way prayed granted or allowed nor any more than one Imparlance. And if any Person against whom any such second Judgement or Recovery shall be had as aforesaid shall after judgement or recovery offend againe in the same kind and shall be thereof duly convicted by indictment information or any other lawfull way or meanes that such Person soe convicted shall be from thenceforth disabled and become by vertue of this Act ancapable Ipso Facto to beare his and theire said Office and Offices respectively and shall be likewise disable to make any Gift Grant Conveyance or other disposition of any of his Lands Tenements Hereditaments Goods or Chattels or to Take any benefit of any Gift Conveyance or Legacy to his owne use.

(V) And every person so offending shall likewise forfeit and loose unto the party grieved by any thing done contrary to the true intent and meaning of this law his trebble damages which he shall sustain and be put unto by meanes or occassion of any such Act or thing done the same to be recovered in any of His Majesties Courts of Record at Westminster by Action of Debt Bill Plaintiff or Information wherein no Essoine Protection Wager of Law Aid Prayer Priviledge Injunction or Order of Restraint shall be in any wise prayed granted or allowed nor any more than one Imparlance.



(VI) And be it alsoe provided and enacted that if any person shall hereafter be committed restrained of his libertie or suffer imprisonment by the order or ree of any such Court of Star Chamber or other Court aforesaid now or at any time hereafter having or ptending to have the same or like jurisdiction power or authorite to commit or imprison as aforesaid Or by the command or warrant of the Kings Majestie his Heires or Successors in theire owne person or by the Command or Warrant of the Councell board or of any of the Lords or others of his Majestes Privy Councell. That in every such case every person so committed restrained of his libertie or suffering imprisonment upon demand or motion made by his Counsell or other imployed by him for that purpose unto Judges of the Court of Kings Bench or Common Pleas in open court shall without delay upon any pretence whatsoever for the ordinary fees usually paid for the same have forthwith granted unto him a Writ of habeas corpus to be directed generally unto all and every sheriffs Gaoler Minister Officer or other person in whose custody the party committed or restrained shall be and the Sheriffs Goaler Minister Officer or other pson in whose custody the party so committed or restrained shall be shall at the return of the said writ and according to the command thereof due and convenient notice thereof given unto him at the charge of the party who requireth or procureth such writ and by the court to which he shall upon securitie by his owne bond given to pay the charge of carrying back the

prisoner if he shall be remanded by the Court to which he shall be brought as in like cases hath beene used such charges of bringing up and carrying backe the prisoner to be alwaies ordered by the Court if any difference shall arise thereabout bring or cause to be brought the body of the said party so committed or restrained unto and before the Judges or Justices of the said Court fro whence the same Writ shall issue in open court and shall likewise certifie the true cause of such his deteinor or imprisonment and thereupon the Court within three days after such return made and delivered in open court shall proceed to examine and termine whether the cause of such commitment appearing upon the said return just and legall or not and shall thereupon do what to justice shall appertaine either by delivering bailing or remanding the prisoner and if any thing shall be otherwise wilfully done or omitted to be done by any Judge Justice Officer or other person aformentioned contrary to the direction and true meaning hereof That then such person so offending shall forfeit to the party grieved his trebble damages to be recovered by such means and in such manner as is formerly in this Act limited and appointed for the like penaltie to be sued for and recovered.

(VII) Provided alwaies and be it Enacted that this Act and the severall Clauses therein contained shall be taken and expounded to extend only to the Court of Star Chamber and to the said Courts holden before the President and

Councell in the Marches of Wales and before the President and Councell in the Northern Parts and alsoe to the Court commonly called the Court of the Dutchy of Lancaster holden the Chauncellour and Councell of that Court And alsoe in the Court of Exchequer of the County Palatine of Chester held before the Chamberline and Councell of that Court And to all Courts of like Jurisdiction to be heard erected ordained constituted or appointed as aforesaid And to the Warrants and directions of the Councell board and to the commitments restraints and Imprisonments of any Person or Persons made commanded or awarded by the Kings Majesty his Heires or Successors in theire owne person or by the Lords and others of the Privie Councell and every one of them.

(VIII) And Lastly Provided and be it Enacted that no person or persons shall be sued impleaded molested or troubled for any offence against this present Act unlesse the party supposed to have so offended shall be sued or impleaded for the same within two yeares at the most after such time wherein the said offence shall be committed.

## C. Newsletters of Captain Henry Rossingham

S.P.D. 16 / 361 / 92 June 15, 1637

....Sondaye last the Bishopp of Lincolne petitioned his Majetie in the the presence at greenwich for one fortnight's longer tyme to instruct his councell; the King tooke the petition, putt off his hat, gave it to my Lord Keeper. but noe longer tyme will be allowed, the Kinge haveing given a command to all his Lords to attend upon Fridaye next the hearing of that cause, which will take upp all this terme, and some daies after terme; besides, I hear by some of the Bishopp's own counsell that have perusd the books that it will goe very hard with him .... Wensdaie this week Dr. Bastwicke, Mr. Burton, and Mr. Prin were brought to the Star Chamber barr; the information against them taken *pro confesso*. They all spake somewhat for themselves, but to noe purpose. Dr. Bastwicke cast an aunsweare into the Court four yards longe and a yard broade, close written. Prin offered his aunsweare, subsribed by councell, but it came too late; all Mr. Burton's aunsweare but five lines was expungd, which five lines hee renouncst. The Court eamined whether Prin had any eares left; they found they were cropt, soe they went to sentence; my Lord Cottington began and find them 5 or 6000 pounds a peece; to loose their eares in the pillory at Westminister; Prin to have the rest of his eares cutt of, and to perpetuall imprisonment in the Castle of Lestwithyn,

in Cornwall; and Burton in the castle of Lancaster; these two last to be degraded, and all of them to communicate with none but by order of that court. Twenty-two Lords gave sentence, the Kinge sending the court from Theobalds that morning to give sentence. Lord of London past noe sentence, but would do good for evill, and prayd that God would give them *mentem saniarem*; soe did his Grace, but hee spake two howers out of a note booke prepar'd for that purpose against Burton's aunswere, which was invectives against innovations in the church, which his Grace devidid into fourteen haeds; justifieing removeing of the table alterwise by Queen Elizabeth's injunctions; boweing at the name of Jesus out of the Cannon, Even in sermon time; doeing reverence at the communion table, as a thing most fitting, but noe body had bine forest to it, nor to remove the table but by perswasion; his Grace refuted the Bishopp's booke lately publisht, the Bishopp of Lincolne being present to heare it, where his Grace said the Bishopp was mistaken, and that as learned as himselfe were of that opinion. His Grace past no sentence, but gave the Lords thanks that did passe the sentence upon those deinquents. My Lord Chiefe Justice Fince sentencst Prin to be branded in the forehead with an S. and a L. for seditious libellour, and this was the sentence of the whole Court. Expunged out of Mr. Burton's aunswere by both Chiefe Justices to whom it was referred all.

S.P.D. 16 / 362 / 31 June 22, 1637

Fridaye last, the bill against the Bishopp of Lincoln was opened in the Star Chamber by Mr. Serjeant Whitfeild; the charges were very fowle and exprest to the life; the Bishopp was not spared one jott, but that shewed the serjeant's zeale to doe his Majesty service. The charges were six, briefly these; first, for procuring papers from the Councell Chamber, which ought to have been conceald; secondly, for drawing witnesses to varie from their former depositions; thirdly, for scandalizing Sir John Mounson and corrupting witnesses; fourthly, Catlin's affedavit, a verie libell and procured by the Bishopp; fifthly, practice with witnesses to smother the truth; sixthly, for affronting Mr. Kylvert and other wittnesses at a Commission, the Bishopp calling Kylvert, ignorant brace fellowe, and one of the Bishopp's servants challenged Mr. Kylvert into the feild: these charges, and to prove or rather to discreditt one of the Bishopp's cheife witnesses many depositions were read that daye, which did not satisfie the expectacion of the Court, in so much as some of the Court lords were extreame wearie, and, as I heare, have desired the Kinge they maye bee spard from hearinge any more of the cause. It is said this cause was sett downe for hearing before the Kinge's Councell had perusd the books, which was Mr. Kylvert's fault, who would sett it downe for heareing before the breviates were made, onely because this term should not be lost. Mr. attorney prest it uppon the Bishopp by way of



aggravation, that subornation to perjury was death *intra leges cornubiae*. Sundaye last, uppon some incouragement given to the Bishopp, hee wrote a letter to his Majestie, most humbly casting himselfe at the King's mercy, beseeching his majestie that bill against him might bee noe further prosecuted, and it was hopt his Majestie would take this cause into his owne breast, if some of the Bishopp's enimies did not importune his Majestie that the cause should go on, the depositions being very full to prove all the charges against him; which depositions could not be read the first daie, which daye was spent in readinge other depositions to introduce these. It was a vain hope the Bishopp had, for the cause does goe forward, his Majestie being ever resolved to have it openly heard, and thus I heare yt. I heare the Bishopp is soe diffident in his own cause that he gives himselfe for a lost man, and therefore as a dying man hee hath disposd of his personall estate, and hath bine his owne executor, to give legacies to his friends and rewards to his servants before the Star Chamber judgement does fall uppon him, to take it from him. His revenues as Bishopp he cannot alter, and for his other reall estate the King's officers will find that out, to be responsible for the King's fine. The Bishopp hath done all he could to gaine tyme, for hee examined 200 or 300 witnesses against the credit of some of the King's witnesses in thsi cause against him; by a late order of the Court those depositions were referred to both the Cheife

Judges, the Cheife Baron, and two other Judges, whoe have expunged whole volumes of those depositions as scandalous and impertinent and contrary to the order of Court, which gave the Bishopp leave to examine the creditt of those the King's witnesses; yet those judges have not perusd all the depositons referred unto them. This cause will take upp some daies after the terme. Tuesdaye last the Lewetenant of the Tower preferred a petition of Mr. Prin's to his Majestie, Wherein his Majestie was most humbly besought to take it into his royall consideracion that he had not bine refractorie in aunswearing to Mr. Attorney's information against for which hee was condemnd, as alsoe as guilty of those charges in that information; but hee alleadgd in this petition that hee had ingrost his aunsweare in tyme, and his counsell had sbscribed it, but before hee could putt this aunsweare into Court his counsell had blotted out their names againe, and before he could drawe upp and ingrosse an other aunsweare the tyme lymitted by the Court was out, soe the bill against him was taken *pro confesso*; his majestie read this petition and putt it upp in his pockett, but I doe yet heare what is done init.....

S.P.D. 16 / 362 / 76 June 29, 1637

....The cause why Mr. St. John's papers were seald uppon was, a complaint made to the Board, that it was not possible Mr. Burton should drawe his aunsweare to Mr. Attornyes soe lawyerlike as it was done without the help of some lawyer; upon which presumption that warrant was graunted to examine his papers to see what be discovered, for the aunsweare was soe untrue and soe scandalous, as that lawyer deserved a severe punishment that had his hand in yt. But before Mr. St. John parted with his papers hee bundled upp together all those loose notes concerning the argument about the shipp writ, that my Lord Saye's defences might not be to seeke there was use of them, all which he ashewed to Sir William Beecher that they were the same; then he seald them under six seales, that they might not be knowne before hand, which the Lords did well enough like of, and sent them back agayne seald upp within two or three daies after to Mr. St. John with out opening of them. I doe not heare there are any papers found concerning Mr. Burton's aunsweare, neither is there any thing yet laid to Mr. St. John's charge..... My Lord Grace's speech, which was spoaken in the Star Chamber at the sensure of Doctor Bastwicke, Mr. Burton, and Mr. Prin, in full aunsweare of all those inovations of church ceremonies which Mr. Burton objects in his aunsweare where in hee taxeth his Grace, is now in print, wherein his Grace offers to justifie upon oath every particular of that speech to be true, that there

is noe innovation, but all things done according to the rubricke and Queen Elizabeth's injunctions; this booke is bought upp so fast as they are not to be gotten. Saterdaye last Lord Mountnorrys was at court; he kist the King's hands; he does putt into the Star Chamber his aunsweare to my Lord Deputie's bill against him, Sir Peirce Crosby, and others, for conspireing together to give it out that my Lord Deputy beate a man in Ireland with a cudgell, of which beating, they report, the man dyed soone after.... Fridaye last the Bishopp of Lincolne had noe good daye in the Star Chamber, some things being there objected, which his councill will have much a doe to wash off. There is no question but the Bishopp hath had too much daeling with meane bace fellows, who have had a great commaund in his house, and these are the men that doe sweare most against him. The same daye the King's councill producst a paper of instructions which the Bishopp was charged to have given to the defendants to learne by it howe to aunsweare the interrogatories. It was called the Bishopp's Catechism, but the other title is, Termes for aunsweareing interrogatories, which is devided into fourteen heades; soe many of the chaps as I can remeber I shall sett downe, for the court hath forbidden any coppies to bee given out: First, in what termes to denye the whole interrogatorie; secondly, howe to aunsweare to one part and denye the rest; thirdly, howe to denye memorye, to uppon such a point; fourthly, whether in case hee maye referr to his aunsweare and how; fifthly,

what to saye to a commissioner that shall presse him to sweare or to remember himself; sixthly, what to say to an interrogatorie if hee have bine instructed or taught what to aunsweare; seventhly, what to an interrogatorie, nothing appertaineing to the bill or aunsweare; eighthly, did you depose to such a thing, and to putt it into your aunsweare already. These are all that I can learne, but there are severall aunsweares which I cannot gett. This catechisme comes in by the by, and being noe charge in the bill, the Bishopp cannot bee questioned for it now; but I heare Mr. Attorney does purpose to keepe it foe another bill. In the meanetyme this catechism does make the bishopp the more fowle; but hee hath not yet any of his defences. The Court sitts after terme to end this cause, the two Cheife Justices haveing putt off the assizes till the 11th of July, ells the Kinge would have done it for them. Tuesday last Mr. Burton was degraded of his ministrie according to the sentence of the Star Chamber. It was fully beleivd that all the three delinquents should have stood in the pillory this Thursdaye after terme, but it was putt off till the daye after, for then the Lords sitts in the Star Chamber about the Bishopp of Lincolne's charges: my next letter must mention more of these three delinquents.

S.P.D. 16 / 363 / 42 July 6, 1637

Fridaye last Doctor Bastwicke, Mr. Burton, and Mr. Prin stood in the pillorye in the pallace of Westminster. As Doctor Bastwicke came from the gatehouse towards the pallace the light common people strowed herbes and flowers before him; Prin and hee stood upon one scaffold and Mr. Burton upon an other by himselfe. They all three talkd to the people; Bastwicke said they had coller dayes in the King's Court, and this was his Coller Daye in the King's Pallace; he was pleasant and witty all the tyme. Prin protested his inocency to the people of what was laid to his charge. Mr. Burton said, it was the happiest pulpett hee had ever preacht in. After twoe howers the haingman began to cutt of their eares; hee began with Mr. Burton's. There was very many people; they wept and greivd much for Mr. Burton, and at the cutting of each eare there was such a roareing as if every one of them had at the same instant lost an eare. Bastwicke gave the hangman a knife, and taught him to cutt his eares quickly and very close, thathee might come there noe more. The haingman burnt Prin in both cheeks, and, as I heare, because hee burnt one cheeke with a letter the wronge waye, hee burnt that againe; presently a surgeon clapt on a plaster to take out the fire. The haingman hewed off Prin's eares very scurvily, which putt him to much paine, and after hee stood longe in the pillorye before his head could be gott out, but that was a chance; the reason why Prin was soe ill usd



by the haingman was hee had promised him five peeces to use him kindly the tyme before, which he did, and Prin had given him but have a crowne, in five six pences; but nowe the haingman was quit with him, for it is said that Prin faynted in the pillorye after the execution; the cause was his standing in the pillorye soe long after. The humours of the people were various, some wept, some laught, and some were verie reservd. I heare of a popish fellowe that told some of those which wept that if soe bee they would turne Catholiques they neede feare none of this punishment. Saterdaye all the towne was full of it that Mr. Prin was dead uppon his knees with his hands lift upp to heaven, but there was noe such thing, for I hearde hee was not sicke.... Fridaye last the King's councell made an end of chargeing the Bishopp of Lincolne. Mundaye the Bishopp began his defences. His councell indeavoured to overthrowe the charges by logicke. It was a scholler-like defence, and not lawyer-like, out of Mr. Recorder's way, therefore supposed to bee of the Bishopp's own contriveing, but it prevailed nothing, for the court settled all the charges against the Bishopp to be legall. Tuesdaye the court sat againe. This daye the Bishopp wrote to my Lord's Grace that hee would bee pleasd to give waye that the clarke of the peace's deposition might bee read, which the judges had subprest as scandalous, by reason his Grace and Mr. Secretarie Windebanke were both named in yt. The Bishopp desired this deposition might be read and their names left

out, and to the same purpose hee prefers a petition to the Lords of the Star Chamber with his owne hand, which petition to the Lords of the Star Chamber with his owne hand, which was first read in the inner Star Chamber and afterwards in the court, where alsoe his Grace causd to be read soe much of the Bishopp of Lincolne's letter as concernd that busines; but still all the lords denyed the publike reading of the deposition. Here his Grace tooke an occasion to cleere himselfe of Mr. Kylvert's acquaintance. The deposition was that Mr. Kylvert would have perswaded the clarke of the peace to have sworne thus and thus against the Bishopp, which hee had said hee would not doe with a safe conscience. Saith Kylvert againe, if it bee true what you sware, what should you feare? if it bee not, yet my Lord's Grace of Canterbury and Mr. Secretarie Windebanke shall give you thancks for yt. My Lord's Grace declard untill such time (which was after this depostion taken) hee knew not Mr. Kylvert's face; the first tyme of seeing him being behind the King's counsell in court, one of their lordships that sate next to him shewing him Kylvert; and that hee had never spoake to him but once, which was last sommer, when hee movd him to bestowe a liveing upon a poore parson, which liveing I told Kylvert the Kinge had given three weekes before: and to all this his Grace tendered his oath; and therefore, why Mr. Kylvert should abuse thushe knewe not, but therefore desired, as in like things concerning hmsself, all petitions and depositions might bee

publicquely read, which the court still disallowed, yet I heare all their lordships tooke notice of this deposition in the Star Chamber. Wensdaye some depositions were read to prove howe Mr. Kylvert had provockt the Bishopp of Lincolne at a Commision held at Lincolne, upon which the Bishopp did call Kylvert many bace names, which is a charge in his bill against the Bishopp. The Bishopp's counsell prest these depositions soe home that my Lord's Grace said, wee are fully satisfied in court that Mr. Kylvert did misbehave himselfe to the Bishopp, therefore lett us goe to some other charge, which cutts Mr. Kylvert from his dammages, which he hopt the that it was not possible to wash the Bishopp cleare of his private tampering with witnesses, for severall men deposd severally against the Bishopp for tampering with them; but in all other things wherein these men were in quetion the depositions provd them faulty, and therefore hee hopt their Lordships to their depositions against the Bishopps. There is somewhat of Sir John Moonson which I cannot yet learn; my next shall have it, for I must set downe punctually what concerns the creditt of other men of speacial note. Fridaye the Bishopp makes an end to his defences. As Mr. Prin returnd from his execution to the tower hee made these verses. S.L. Lauds Scars:

Triumphant I retorne, my face discryes

Laud's scorching scarrs,

God's gratefull sacrifice

S.L. Stigmata Laudis.

Stigmata maxellis baiulans insignia laudis  
Exultans remeo victima grata Deo.

S.P.D. 16 / 363 / 119 July 13, 1637

The Lords have sent a command to the Star Chamber Office to draw upp the order to send Doctor Bastwicke, Mr. Burton, and Mr. Prin to their severall remote prisons. The letters are already provided to bee sent to the High Sheriffs of those counties to take them into their custody and to observe the decree of the court, which is, that they keepe from them pen, inke and paper, and all bookes, save onely the Bible and the booke of Common Prayer, and some other bookes of devotion, such as shall be allowed them. There is a report abroad in the towne that the Minister of Shoreditch, observeing the humours of the people soe much to compassionate these three delinquents, should deliver in his sermon that they all incurrd damnation which thought well of those three, whoe had bine justly punisht for their demeritts. This doctrine made divers goe out of the church, for the common people are extreamey compassionate towards them. One Doctor Layton was punisht in the pillorye about seven yeares since for the like offences against the Bishoppes, and hath layen in the Fleete ever since; by an order of last week he is also to be removd to some remote prison..... That deposition concerning Sir John Moonson which I promisd in my last was thus: Parson Catlyn deposeth for the Bishopp of Lincolne, that hee mett one Parkinson, Mr Amcott's servant, at the Bayle in Lincolne, and askt him what hee made there; said Parkinson, I am come hether to

swoare against the Bishopp of LIncolne. Sir John Moonson hath given mee a sum of money to sweare lustily, and I will feather my nest soe long as I live. This is Catlyn's deposition. To overthrowe this, Parkinson is clad in a parson's habite and brought into Catlyn's company and presented to Catlyn under the name of Parson Watkins, of Yorkshire; nowe, it is said, if Catlyn had not known him, as affedavitts would have bine made to that purpose, the consequence would have bine hee must needes have forswearne himselfe in deposeing hee heard Parkinson saye ( as aforesaid ), this Catlyn not knoweing Parkinson; nut Catlyn did knowe him, and cald him by his name, although Parkinson denyed himselfe at the first; alsoe some depositions were that Parkinson had upon him those very cloathes which Sir John Monnson's chapleine read prayers in Sir John Moonson's house. Fridye and Saturdaye last Mr. Attorney made his reply, wherein hee multiplies the Bishopp's offences, as if soe bee the Bishopp's councill had washt off none of those charges. Hee shewes his Majesty's zeale to maintaine his lawes, that rather then hee will not spare to call in question any of his greate lord's, meaneing in this cause the Bishopp of Lincolne, whoe had borne the greatest office of the Kingdome. In Mr. Attorney's replie hee causeth some depositions to be read to cleare that pretended plott of the disguiseing Parkinson in a preist's habite, it being deposd that Parkinson haveing of his owne meere mocion putt himselfe into blacke, Sir John Moonson's man is jestingly



led him into Parson Catlyn's company by the waye of mirth, and not uppon any plott, as was pretended in those depositions taken for the Bishoppes. The Attorney did presse their Lordships to give Sir John Moonson good damages for those asperitions the Bishopp of Lincolne had cast uppon him. Alsoe hee desired their Lordships to make it their considerations that there were some deprivd for lesse offences then the Bishopp of Lincolne was now fully provd to bee guilty of, therefore hee besought their Lordships first to fine the Bishopp and then to remitt him to the High Commission to bee deprivd of all his spiritual promotions, being nowe unworthy to hold any of them. The same Saterdaye the Bishopp of Lincolne went to Greenwich to make use of all his helpes to take of the sentence which the lords had appointed to bee the Tuesdaye followeing.... Tusdaye the lords mett in the Star Chamber before they came into the court; they satt counsell neere twoe howers in the Inner Chamber after they came out into court, Where my Lord Cottington began the sentence. His Lordship tooke it that the charge against the Bishopp for subornation was fully provd against him; all the lords were of that opinion, that severall subornations were provd besides the divers other fowle misdemeanours; my Lord Cottington's sentence was Ten Thousand pounds fine to the Kinge, imprisonment in the Tower dureing the King's pleasure, to bee remitted to the High Commission, there to bee suspended *ab officijs et beneficijs*, if the Kinge soe please; and 1000 marks

dammages to Sir John Moonson, whome all their Lordships did commend to have discreetely demeand himselfe in the whole progresse of this busines. All the lords concurred in this sentence, soe that there was neither degradation nor deprivation as was talkt of before; most of there Lordships did agree that Mr. Kylvert had much misbehavd himselfe towards the Bishopp, onely my Lord's Grace, hee would not approve of all hee did, yet hee commended Mr. Kylvert's courage in prosecuteing the cause, saying, the King's must needes have suffered if it had bine prosecuted with lesse spirite, considering the Bishopp's potencie in the countrie. The Archbishop compard Parson Catlyn to Catelyn, that arch traytor of Roome, for it was provd that this Parson Catlyn had swoarne to a blancke in the behalfe of the Bishopp of Lincolne, whoe was to have given him a good liveing, beside some other things provd against catlyn. Alsoe there were some depositions that the Bishopp said it had cost him a 1,000 pounds at one commission held at Lincolne, which their Lordships concluded hee could spend but by corrupted and suborneing of witnesses; the judges concluded [?] practice to subornation and subornation itselfe were all one, and deserved equall punishment. My Lord's Grace shewed what hee had done on behalfe of the Bishopp to take him off from this prosecution; that hee had movd his majestie five times for him upon his knees; that hee had prevailed more for him then all other meanes hee had made; that his majestie alwayes askt him if the Bishopp

would submitt and acknowledge his errors; that hee had subcribd the King's aunsweare the King's aunsweare to the Bishopp's petition with his own hand (which hee did not nowe commend himselfe for, since the Bishopp was soe guilty of subornation); that the Bishopp had acknowledged his favours by his letters under his owne hand, which his Grace said hee had yet to shewe; yet, said his Grace, hath the Bishopp bine most extreamey ingratefull towards him; my Lord's hightens the Bishopp's offences of subornation out of devine and humane writt, soe agreed with my Lord Cottington. Lord Privy seale began thus, that hee had knowne many servants had undone themselves to uphold the creditt of their masters, but till now he never knewe any master undone to uphold the creditt of his servant; this was my Lord Lincole's case in his upholding the creditt of Prydean, whoe was accused for getting a bastard, and the Bishopp would cleare hom of it. My Lord Keeper, though hee clerd the Bishopp of many things for which the other lords did fine him, yet hee said the Bishopp did *Iudere periurijs*, which was the sharpest sensure given him; but the lords, many of them did professe three severall subornations were fully provd against him. It was ordered that daye that the first bill against the Bishopp of Lincolne should bee sett downe for heareing the next tearme. And this was the sentence. One passage more of my Lord Grace's in agravation of subornation, that this sinn was longe conceald, all the tyme before the lawe, and some

ages after the lawe, and some ages after the lawe of Moses was delivered the Holy Ghost wold not prompt nature to it by a prohibition of it. His Grace said, that, to his remembrance, Jezabell was the first suborner of falce witnesses; this wee might gather out of the text yett somewhat obscurely sett downe.... July this 13th, 1637.

S.P.D. 16 / 457 / 36 June 16, 1640

... Tuesdaye in last week, when my Lord Mayor and both the sheriffs of London were at the Council table to give his Majesty an account of the ship-money, the Lord Mayor said he had sent his officers to collect it, but few or none would pay. His Majesty pressing the Lord Mayor to distrain for it upon refusers, the Lord Mayor told the King again that one of his predecessors, a Lord Mayor, was now in qustion in the King's Bench, and like to suffer for that service. The King told him that no man should suffer for obeying his commands; whereupon the next day the Lord Mayor with both the sheriifs and a constable, and the city officers go from house to house to call for ship-money, but not one man paid it, whereupon the Lord Mayor willed the sheriifs to take distresses upon the refusers, but they refused, desiring him to do the office himself, it not being required of them by the writ. A linen-draper refused to pay, so my Lord Mayor seized on a piece of linen cloth, which the linen-draper desired to measure, saying it would cost his Lordship so much an ell, in all 11 pounds. And if his Lordship would take it, both the sheriffs refusing to meddle with it, he told him he would enter it to his account in his book, and would expect payment, taking witness of the delivery of it, but my Lord Mayor told him again he distrained ot for his Majesty's use, because he refused to pay his ship-money.... The High Sheriff of

Yorkshire, who is prosecuted in the Star Chamber for not collecting the ship-money has now undertaken to collect it, every penny, in a month's time or thereabouts, so he is sent down, and the Star Chamber Bill against him sleeps in the meantime. ... Three of five constables which were sent for to the Board are since committed to several prisons for combining together to the prejudice of the King's service in not collecting the coat and conduct-money.



S.P.D. 16 / 463 / 33 August 4, 1640

.... I hear also a petition out of Berks, presented by the Grand Jury at the late assizes directed to his Majesty to this effect: Whereas that county has been burdened with sundry grievances deriving their authority from your Majesty, but being directly contrary to the laws established which are annexed to this petition, for redress whereof petitioners hoped you called your Parliament in April, but which was dissolved in three weeks, for want as it seems to petitioners of a good agreement between both Houses; and nevertheless since their dissolution you have expressed such a fatherly care of your people that you vouchsafed in your printed Declaration to invite them to pour out their complaints; may it therefore please you to ease them in the following particulars, that it may appear to all your loving subjects that you are resolved to continue to them all their rights which they have declared by their Petition of Right, and were confirmed in the third year of your reign and your Parliament, &c. The grievances set down are these: The illegal and insupportable charge of ship-money imposed now the fifth year; the new tax of coat and conduct-money, which the undue means used to enforce its payment by messengers from the Council; the compelling some freemen by imprisonment and threats to take press-money, and some for fear of the like imprisonment forsake their houses, hiding in the woods, leaving their

families on the parish, and harvest work undone for want of labourers; the infinite number of monopolies upon everything almost the countryman must buy;... The Lord Mayor and both the sheriffs of London demurred to the Star Chamber Bill exhibited by the Attorney General against them for not collecting the ship-money; but their objection was overruled and a new process is going out against them to cause them to make fuller answers, but that process lie yet unsealed suspended for a time.

# D. Orders of the Privy Council

R.H.C. Vol II 2 pp 1173.

At the Court at White-hall an May 7

Present

The King's Most Excellent Majesty

Lord Archbishop of Canterbury	Lord Lieutenant
Lord Treasurer	of Ireland
Lord Privy Seal	Lord Goring
Lord Marquess Hamilton	Lord Cottington
Lord High Chamberlain	Lord Viscount Wilmont
Lord High Admiral	Lord Newburgh
Lord Chamberlian	Mr. Treasurer
Earl of Salisbury	Mr. Comptroller
Earl of Holland	Secretary Windebank
Earl of Berks	Lord Chief Justice of the Common Pleas

His Majesty and their Lordships taking into considerations the great and supine negligence of the High Sheriffs of Divers Counties, in the execution of his Majesties writs for Ship Money issued November last, and resolving that a round course shall be forthwith taken for punishing of them according to their demerits; it was this day ordered, that Mr. Attorney General shall be hereby

prayed and required to send for the present High Sheriffs of the Counties of London, Middlesex, York, Berks, Surrey, Leicester, Essex, and Northampton, and to examine them concerning their proceedings and performances of that service, and to proceed against them for their contempt and neglect in so important a service, in the Star Chamber or otherwise with all convenient expedition, as his Majesties Attorney shall see cause.

R.H.C. Vol II 2 pp 1203

At Whitehall July 5, 1640

Present

The King's Most Excellent Majesty

Lord Archbishop of Canterbury	Earl of Strafford
Lord Keeper	Earl of Corke
Lord Treasurer	Lord Goring
Lord Privy Seal	Lord Cottington
Lord Marquess Hamilton	Lord Newburgh
Earl Marshall	Mr. Treasurer
Earl of Salisbury	Mr. Secretary Windebanke
Earl of Bridgewater	Sir Thomas Rowe
Earl of Holland	Lord Chief Justice of
Earl of Berks	the Common Pleas

Whereas the Lord Mayor of London and the two sheriifs did this day appear before his Majesty and the Board, to give an account of their proceedings upon the writ for the ship business this present year: Forasmuch as it did appear, that besides all former neglects in the execution of the writ, his Majesty having respited the information against them for the same; Yet they have not since distrained any one person according to the said writ. It was this day ordered by his Majesty with the advice of the

board, that his majesties Attorney General shall forthwith prefer an information in the Star Chamber against the Lord Mayor and Sheriffs of London and Middlesex, for their contempt and default in the execution of the said writ; and shall forthwith proceed against them *de die in diem*, until the cause bee ready for hearing: And if upon the examination of the sayd cause, his majesties Attorney General shall find sufficient cause against any of the Aldermen, that then he do prefer one other information against the said Aldermen; and in a like manner do proceed against them a part.



At Whitehall, July 12, 1640 *R.H.C.* II 2 p. 1204

His Majesty and the Board take notice of the great neglect and contempt of Sir Simon Dewes, Knight, now High Sheriff of the county of Suffolk, in not executing the writ for the shipping business, for this present year, have thought fit and ordered, that Mr. Attorney general shall forthwith proceed against the said Sir Simon Dewes in the Star Chamber.

# E. Information on Committees examining petitions against the Star Chamber

To see if these committees were prejudiced I examined whether members later adhered to the king or Parliament in the Civil Wars. Although this is not a clear view of allegiance, it is interesting and could be important.

## Members of these committees later political alignment

### William Prynne's Committee

Parliamentarians = 25    Royalist = 10    Unknown = 6

### John Bastwicke's committee

Parliamentarians = 19    Royalist = 7    Unknown = 3

### Alexander Leighton's committee

Parliamentarians = 25    Royalist = 4    Unknown = 5

Five were also known to have been prosecuted in Star Chamber

## Committee examining the petition of Alexander Leighton

Commons Journal II pp. 24, 25, 28, 41.

Members(appointed November 9, 1640 unless other wise stated)

Sir Edward Ayscough(Nov 13)	(??) Holles
Edward Bagshaw	Sir Edward Hungerford
Dennis Bond(Nov 13)	Sir Anthony
Sir William Brereton(Nov 25)	Edward Kirton
	Sir Anthony

	Irby (Nov 13)
Thomas Coke(Dec 1)	George Peard
Oliver Cronwell	Isaac Penington
Sir Edward Dering(Nov 10)	Edmund Prideaux(Nov 13)
George Lord Digby	William Purefoy(Nov 13)
Sir Walter Erle(Nov 13)	John Pym
John Glyn(Dec 1)	Alexander Rigby(Dec 1)
(??) Goodwyn(Nov 13)	Francis Rous
Giles Green(Nov 13)	Sir Beauchamp St. John
	(Nov 9 or Dec 1)
Harbottle Grimston	Oliver St. John
	(Nov 9 or Dec 1)
John Hampden	John Seldon
Sir Robert Harley(Nov 13)	Anthony Stapley(Nov 13)
Sir Arthur Hesilrige(Nov 13)	William Strode
Sir Peter Heyman(Nov 13)	Benjamin Valentine
Roger Hill(Nov 13)	John Whistler(Nov 13)
	John White(Dec 1)
	Sir Thomas Widdrington
	(Dec 1)

#### Original Jurisdiction

To consider Mr. Leighton's petition; and hath power to send for parties, witnesses, warrants, or any other papers that may conduce to the business, and to assign and hear counsel.

Petitions referred to Leighton's committee:

John Lilburne(Nov. 9)

Thomas Wilson(Nov. 10)

Peter Smart(Nov. 10)

Edward Sharpe(Nov. 21)

Edmund Foxley(Nov. 21)

Mr. Foxley(Nov. 25)

Alexander Calandria(Dec. 3)

Committee examining the petition of John Bastwicke

Members(appointed December 17, 1640 unless otherwise stated)

C.J. II p. 52.

Ralph Ashton	Sir William Litton(??)
Sir Thomas Barrington	Sir William Masham
Sir John Colpepper	Sir Edmund Moundeford
Arthur Capel	Baptist Noel
Robert Cecil	Samuel Owfield
Thomas Coke	
Sir John Corbet(Miles?)	Sir Philip Parker
Oliver Cromwell	William Pierrepont
Sir Edward Deering	John Pym
Sir Walter Erle	Charles Price
Nathaniel Fines	Edmund Prideaux
Sir Miles Fleetwood	Alexander Rigby
John Glyn	Richard Shuttleworth
Harbottle Grimston	Sir Philip Stapleton
John Hampden	John Trenchard
Denzil Holles(Gervase?)	Sir Thomas Widdrington
Roger Kirkby	Sir Henry Vane
Edward Kirton	Sir Christopher Wray

Original Jurisdiction

To take into consideration the Petition exhibited here by John Bastwicke...; and has power to hear Counsel; and to assign him such counsel; and to grant him warrant to take out, gratis, such copies of the censures, warrants, orders, and other the proceedings in the several courts, as shall or may anyway concern this business: and has power to send for parties, witnesses, papers, and records.

December 29 - Ordered, that Dr. Bastwicke's petition be referred to the committee for Mr. Burton's petition

February 22 - Mr. Rigby reports from the jurisdiction committee, the case of Dr. Bastwicke



Committee examining petitions of Prynne, Burton, Wicken, Bruer, Leigh, and Colburn.

C.J. II pp. 44, 101.

Members(Appointed December 3, 1640 unless otherwise stated)

Mr. Comptroller	Sir Thomas Hutchinson
Edward Bagshaw	Sir Anthony Irby
Sir Thomas Barrington	Edward Kirton
Sir Thomas Bowyer	Sir Edmund Moundeford
Sir William Brereton	Anthony Nicoll
John Broxholme	Baptist Noel
William Cage	Edward Partridge
Arthur Capel	George Peard
Sir John Colepeper	Sir Gilbert Pickering
Sir Frederick Cornwallis	John Pym
George Lord Digby	Sir Henry Rainsford
Sir Simon D'ewes	Alexander Rigby
Sir Walter Erle	William Lord Russell
James Fiennes(Nathaniel?)	Oliver St. John
Harbottle Grimston	John Seldon
John Hampden	Sir John Strangways
Sir Robert Harley	Sir Edmund Verney
Sir Arthur Heselrige	Thomas Viscount Wenman
Sir Peter Heyman	Weston(??)

Denzil Holles

John White

Sir John Hotham

Sir Thomas Widdrington

Thomas Hoyle (March 11)

Anthony Hungerford (March 11)

John Lisle (March 11)

#### Original Jurisdiction

To consider the petition of William Prynne, John Burton, Nath. Wickens Calvin Bruen, Peter Leigh, and Rich. Colburne; and have power to receive all petitions of a like nature; and are to consider of the jurisdiction of the High Commission of Canterbury and York; and of the several abuses committed in those courts, or by any judges or officers of those courts; and of the jurisdiction of the Court of Star Chamber; and have power to send for parties, witnesses, papers, records, or any thing else that may conduce to the business; and to assign and hear counsel.

#### Petitions referred to this committee

Mr. Allaby (December 11) John Bastwicke (December 29)

? Sparke (December 11) Ordered to consider  
proclamations(January 12)

? Clobbery (December 11) Freeholders of London  
(February 19)

Committee to examine the precedents(Formed May 4,  
1641)

C.J. II p. 134.

Lucius Cary, Lord Falkland	Henry Marten
Sir John Colepeper	John Maynard
Sir Simon D'ewes	William Pierrepont
John Glyn	Edmund Prideaux
Harbottle Grimston	John Seldon
Roger Hill	(??) Vaughan
Hyde(Earl of Clarendon??)	Sir Thomas Widdrington

This committee is to view the precedents of the Star Chamber, concerning the enormous sentences of that court. (With reference to Mr. Lilburne, Dr. Bastwicke, and Dr. Leighton)

Committee to examine the petition of Sir Richard Wiseman (formed January 4, 1641)

L.J. IV p. 124.

Members

Earl of Bath	Bishop of Carlile
Earl of Southhampton	Ds. Wharton
Earl of Hartford	Ds. Pagett
Earl of Essex	Ds. Kymbolton
Earl of Warwicke	Ds. Brooke
Earl of Bristol	Ds. Howarde de Charlton
Earl of Dover	Ds. Roberts
Lord Viscount Say and Seale	Ds. Craven
Bishop of Durham	Ds. Howard de Estcricke
Bishop of Lincoln	Ds. Savile
Bishop of Sarum	Ds. Dunsemore

Original jurisdiction

That these Lords following shall consider and examine the whole business, proceedings, and judgement against Sir Richard Wiseman, in the Star Chamber, and usage of him in the Fleet, during his imprisonment there; and likewise to examine the institution and power of the court of Star

Chamber.

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----- . 6424 ....Bishop Warner's Diary

----- . 1601 ....Diurnal

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